

**CITY OF ROCHESTER
COUNCIL AGENDA
COUNCIL/BOARD CHAMBERS
GOVERNMENT CENTER
151 4TH STREET SE**

**MEETING NO. 16
REGULAR**

**JULY 7, 2003
7:00 P.M.**

PLEDGE OF ALLEGIANCE

PAGE

- | | |
|-------|---|
| 1-2 | A) NONE: OPEN COMMENT PERIOD |
| | B) CALL TO ORDER |
| | C) LETTERS AND PETITIONS |
| 3-6 | 1) CONSIDERED: Chuck Handlon wishes to be Heard |
| 7-8 | D) CONSENT AGENDA/ORGANIZATIONAL BUSINESS |
| | 1) APPROVED: Approval of Minutes |
| 9-10 | 2) TABLED: Establishment of Authorized Compensation for Public Utility General Manager and Public Works Director |
| 11-12 | 3) APPROVED: Extension of Joint Powers Agreement between the City of Rochester and MHFA for the administration of the Housing Tax Credit Program |
| 13-16 | 4) APPROVED: Homeland Security Planning Coordinator |
| 17-22 | 5) APPROVED: Licenses, Bonds and Miscellaneous Activities |
| 23-24 | 6) APPROVED: On-Sale Exclusive and Sunday Intoxicating Liquor Licenses – Jenpachi Japanese Steak House, LLC |
| 25-26 | 7) APPROVED: Approval of Accounts Payable |
| 27-28 | 8) APPROVED: Request by Samaritan Bethany, Inc., to call a public hearing for August 4, 2003, to consider the issuance of approximately \$7.5 million in Housing and Health Care Bonds for refunding and facility management |
| 29-40 | 9) APPROVED: R.C.O. 55 Fire Prevention Code |
| 41-42 | 10) APPROVED: Change to City Employee Parking/Transit Plan |
| 43-44 | 11) APPROVED: Wage Recommendation for 2003 – Parking Control Officers |
| 45-46 | 12) APPROVED: Donation to Police Honor Guard |

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|-------|-----|--|
| 47-48 | 13) | APPROVED: Safe & Sober 2004 Grant Application |
| 49-50 | 14) | APPROVED: Contract for EBooks-Participation in NetLibrary II Collection |
| 51-56 | 15) | APPROVED: Remove traffic diverter, 14 th Street SW at 3 rd Ave SW |
| 57-58 | 16) | APPROVED: Real Estate – Development Charge Assessment Policy |
| 59-60 | 17) | APPROVED: Award of Contracts, Traffic Signal Emergency Vehicle Preemption (EVP), J6396 |
| 61-62 | 18) | APPROVED: Real Estate – Right of Way Acquisition for Chateau Road / 55 th Street Intersection Roadway Improvements (J7222) |
| 63-64 | 19) | APPROVED: Real Estate – Right of Way Acquisition for 55 th Street NW Phase II (J9579) |
| 65-66 | 20) | APPROVED: Award of Contract: (J9815) Reconstruction of Bandel Road NW |
| 67-68 | 21) | APPROVED: Owner Contract – Basic Construction in Century Point First – J5068 |
| 69-70 | 22) | APPROVED: Development Agreement – Crimson Ridge Development |
| 71-72 | 23) | APPROVED: Owner Contract – Basic Construction in Ridgeview Manor Third – J5050 |
| 73-74 | 24) | APPROVED: Utility Connection, Pedestrian Facility & Street Reconstruction Agreement – Case Properties, LLC (dba Rhino Linings) |
| 75-76 | 25) | APPROVED: Pedestrian Facilities Agreement – Richard R. & Carol M. Arend, for Arend's Indoor Storage (SDP#03-41) |
| 77-78 | 26) | APPROVED: Stormwater Management Agreements |
| 79-80 | 27) | APPROVED: Development Agreement – Stonebridge |
| 81-82 | 28) | APPROVED: Assessment Agreements for payment of roadway infrastructure for Wellner Drive J9546 |
| 83-84 | 29) | APPROVED: Development Agreement & Revocable Permit – Residence Inn 441 West Center Street NW |
| 85-86 | 30) | APPROVED: Development Agreement & Revocable Permit – Mayo Family Clinic NE |
| 87-88 | 31) | APPROVED: Real Estate – Settlement for Right of Way Acquisition for 23 rd Avenue SW – J9714 |
| 89-90 | 32) | APPROVED: Real Estate – Acquisition for the future Airport expansion – J6911 |

- 91-92 33) **APPROVED:** Parking Meter Installations – 1st St. SW/500 block, 4th Ave SW/100 block (East side) and 1st St NW/10 block
- 93-94 34) **APPROVED:** Truck Loading Zone Specifications – 1st Ave SW & 1st St SW
- 95-96 35) **APPROVED:** Award of Contract: Sanitary Sewer and Watermain Portions of Section 8 & 9 Rochester Township J7717
- 97-98 36) **APPROVED:** Contribution Agreements: Sanitary Sewer and Watermain to Serve Portions of Section 8 & 9 of Rochester Township J7717
- 99-100 37) **APPROVED:** Construction Engineering Service Proposal: Sewer and Water to Serve Portions of Section 8 & 9 Rochester Township J7717
- 101-110 38) **APPROVED:** Feasibility Report for the Silver Creek Sub-trunkline Sanitary Sewer, J7703
- 111-112 39) **APPROVED:** Proposal for Preliminary Design Analysis for the Silver Creek Sub-trunkline Sanitary Sewer, J7703
- 113-114 40) **APPROVED:** Consulting Engineering Service Agreement for Design of Water Reclamation Plant Expansion
- 115-118 41) **APPROVED:** Consideration of Public Utility Board Action

E) HEARINGS

- 119-120 1) **CONTINUED TO JULY 21:** Continued Hearing on Land Use Plan Amendment Petition #03-04 by Morris Memorial LLC and Allen Koenig to amend Land Use Plan from Low Density Residential to Industrial on property located along the west wide of TH 63, east of East River Road NE and north of 41st Street NE.
- 121-122 2) **CONTINUED TO JULY 21:** Continued Hearing on Zoning District Amendment #03-09 by Morris Memorial LLC and Allen Koenig to rezone land from the I District to the M-1 District on property located along the west wide of TH 63, east of East River Road NE and north of 41st Street NE.
- 123-124 3) **CONTINUED TO JULY 21:** Continued Hearing on General Development Plan #206 by Morris Memorial LLC and Allen Koenig to be known as Morris Meadows
- 125-136 4) **APPROVED:** Final Plat #03-04 to be known as Manor Woods West Fourteenth Subdivision by Forbrook-Bigelow Development LLC
- 137-148 5) **APPROVED:** Final Plat #03-20 to be known as Northview Third Subdivision by HCS, LLC
- 149-158 6) **APPROVED:** Final Plat #03-21 to be known as Stonehedge Townhomes Second CIC 231 by Countryside Builders & Read Estate

159-170 7) **APPROVED:** Type III, Phase I, Appeal #03-2 of the Rochester Zoning Board of Appeals denial on June 4, 2003, of Type III, Phase I, Variance Request #03-09 by Marc and Pam Shaft to allow for a house addition located at 1223 36th Street SW.

171-190 8) **APPROVED:** Type III, Phase III Conditional Use Permit #03-26 by Williams Family Partnership and Mark & Bernard Leitzen to allow for fill in a floodprone area located east of the Shopko and Menards south stores and 28th Street SE and is north of TH52.

F) REPORTS AND RECOMMENDATIONS

191-198 1) **APPROVED:** Amendment to Rochester Code of Ordinances Chapters 10, 50, 51 and 52

G) RESOLUTIONS AND ORDINANCES

199-200

H) TABLED ITEMS

I) OTHER BUSINESS

J) ADJOURNMENT

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 7/7/03

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AGENDA SECTION:
OPEN COMMENT PERIOD

ORIGINATING DEPT:
CITY ADMINISTRATOR

ITEM NO.
A

ITEM DESCRIPTION: OPEN COMMENT PERIOD

PREPARED BY:
S. KVENVOLD

This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:

- This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.
- This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.
- Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.
- Citizens may only use this forum to address the Council on a maximum of one time per month.
- Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.
- Questions posed by a speaker will generally be responded to in writing.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 7/7/03

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AGENDA SECTION: Letters and Petitions	ORIGINATING DEPT: Administration	ITEM NO. C-1
ITEM DESCRIPTION: Chuck Handlon wishes to be Heard		PREPARED BY: S. KVENVOLD

Chuck Handlon, representing several concerned City groups, requests to be heard concerning the newly adopted conceal and carry gun law.

Mr. Handlon is requesting the City Council adopt a resolution indicating that handguns and weapons are not welcome on City property and requesting that the City Council post signs on City facilities indicating that message.

Mayor Brede proposed that an alternative to a written message could be a sign with a handgun in a circle with a line drawn thru it. (see attached). While I understand the purpose behind the proposed written message signs on City buildings, I would like to discourage a bunch of signs being plastered on the entrance to City facilities. If the Mayor and City Council wishes to adopt the proposed resolution, I would recommend the Mayor's alternative sign proposal for your consideration.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

Rochester, MN City Council Handgun Resolution

INTRODUCTION

Citizens of the city of Rochester request the city council to accept the following resolution that asks the city to post signs which discourage carrying concealed handguns on city property for reasons of public safety. This request is based on recent legislation (State Laws 2003, Chapter 28, Article 2) that is expected to proliferate the carrying of concealed weapons and the belief that cities should have the right to promote public safety on their premises.

RESOLUTION

BE IT RESOLVED that the City of Rochester endorses the statement: "Handguns and Weapons are not Welcome;" and

BE IT RESOLVED that the City of Rochester will post signs on its property with either the endorsed statement or an alternative presentation of it.

RATIONALE

The following are some of the reasons for supporting the resolution:

- ↪ The city of Duluth, Olmsted County and other governmental bodies throughout the state have posted signs that promote the safety and preference of a gun free environment.
- ↪ The League of Cities has requested the legislature to allow cities to ban handguns on city property.
- ↪ The new law shouldn't have allowed concealed handguns to be carried at our city's playgrounds, parks, libraries, and recreation centers since these are family oriented facilities where children congregate.
- ↪ Our legislators continue to ban handguns in State Capitol buildings due to safety concerns.
- ↪ Minnesota law enforcement associations are unanimous in opposing the new legislation.
- ↪ Religious institutions have initiated a suit against the state based on religious freedom to promote public safety in a way that is mindful of their traditions.
- ↪ The new law allows private businesses and groups to ban handguns on their premises.
- ↪ The carrying of handguns will increase weapons access to non-permitted individuals and children in our city.
- ↪ The city of Rochester is recognized as one of the best places to live partly because the city has promoted tolerance and nonviolent conflict resolution through campaigns such as "Not in Our Town".



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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 7/7/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. D-1-41
ITEM DESCRIPTION: APPROVAL OF CONSENT AGENDA ITEMS		PREPARED BY: G. NEUMANN

This RCA lists all the items which have been included in the consent agenda for this meeting. The Council can approve the items with a single motion to approve. The Council President will allow the Councilmembers an opportunity to whether there are any of these items which you wish to have removed from the consent agenda approval and to have discussed and acted upon separately by the Council.

The consent agenda for this meeting consists of the following RCAs:

- 1) Approval of Minutes
- 2) Establishment of Authorized Compensation for Public Utility General Manager and Public Works Director
- 3) Extension of Joint Powers Agreement between the City of Rochester and MHFA for the administration of the Housing Tax Credit Program
- 4) Homeland Security Planning Coordinator
- 5) Licenses, Bonds and Miscellaneous Activities
- 6) On-Sale Exclusive and Sunday Intoxicating Liquor Licenses – Jenpachi Japanese Steak House, LLC
- 7) Approval of Accounts Payable
- 8) Request by Samaritan Bethany, Inc., to call a public hearing for August 4, 2003, to consider the issuance of approximately \$7.5 million in Housing and Health Care Bonds for refunding and facility management
- 9) R.C.O. 55 Fire Prevention Code
- 10) Change to City Employee Parking/Transit Plan
- 11) Wage Recommendation for 2003 – Parking Control Officers
- 12) Donation to Police Honor Guard
- 13) Safe & Sober 2004 Grant Application
- 14) Contract for EBooks-Participation in NetLibrary II Collection
- 15) Remove traffic diverter, 14th Street SW at 3rd Ave SW
- 16) Real Estate – Development Charge Assessment Policy
- 17) Award of Contracts, Traffic Signal Emergency Vehicle Preemption (EVP), J6396
- 18) Real Estate – Right of Way Acquisition for Chateau Road / 55th Street Intersection Roadway Improvements (J7222)
- 19) Real Estate – Right of Way Acquisition for 55th Street NW Phase II (J9579)
- 20) Award of Contract: (J9815) Reconstruction of Bandel Road NW

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

- 21) Owner Contract – Basic Construction in Century Point First – J5068
- 22) Development Agreement – Crimson Ridge Development
- 23) Owner Contract – Basic Construction in Ridgeview Manor Third – J5050
- 24) Utility Connection, Pedestrian Facility & Street Reconstruction Agreement – Case Properties, LLC (dba Rhino Linings)
- 25) Pedestrian Facilities Agreement – Richard R. & Carol M. Arend, for Arend's Indoor Storage (SDP#03-41)
- 26) Stormwater Management Agreements
- 27) Development Agreement – Stonebridge
- 28) Assessment Agreements for payment of roadway infrastructure for Wellner Drive J9546
- 29) Development Agreement & Revocable Permit – Residence Inn 441 West Center Street NW
- 30) Development Agreement & Revocable Permit – Mayo Family Clinic NE
- 31) Real Estate – Settlement for Right of Way Acquisition for 23rd Avenue SW – J9714
- 32) Real Estate – Acquisition for the future Airport expansion – J6911
- 33) Parking Meter Installations – 1st St. SW/500 block, 4th Ave SW/100 block (East side) and 1st St NW/10 block
- 34) Truck Loading Zone Specifications – 1st Ave SW & 1st St SW
- 35) Award of Contract: Sanitary Sewer and Watermain Portions of Section 8 & 9 Rochester Township J7717
- 36) Contribution Agreements: Sanitary Sewer and Watermain to Serve Portions of Section 8 & 9 of Rochester Township J7717
- 37) Construction Engineering Service Proposal: Sewer and Water to Serve Portions of Section 8 & 9 Rochester Township J7717
- 38) Feasibility Report for the Silver Creek Sub-trunkline Sanitary Sewer, J7703
- 39) Proposal for Preliminary Design Analysis for the Silver Creek Sub-trunkline Sanitary Sewer, J7703
- 40) Consulting Engineering Service Agreement for Design of Water Reclamation Plant Expansion
- 41) Consideration of Public Utility Board Action

COUNCIL ACTION REQUESTED:

Motion to approve consent agenda items

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 7/7/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: ADMINISTRATION	ITEM NO. D-2
ITEM DESCRIPTION: ESTABLISHMENT OF AUTHORIZED COMPENSATION FOR PUBLIC UTILITY GENERAL MANAGER AND PUBLIC WORKS DIRECTOR		PREPARED BY: S. KVENVOLD
<p>The compensation which can be paid to Larry Koshire, General Manager of Rochester Public Utilities, and Richard Freese, Director of Public Works, is restricted by State law to 95% of the Governor's salary, it is important to continue to establish an authorized compensation for these positions in order to maintain the position compensation structure for the City organization.</p> <p>The 2003 authorized compensation for the Public Utility General Manager would be \$131,194 and the authorized compensation for the Public Works Director would be \$119,068.</p> <p>It would be my intention, if so authorized by the City Council, to award compensatory time to Mr. Koshire and Mr. Freese to somewhat compensate them for the difference between their restricted and authorized compensations.</p> <p><u>COUNCIL ACTION REQUESTED:</u></p> <p>Request a motion establishing the 2003 authorized compensation for Larry Koshire at \$131,194; the 2003 authorized compensation for Richard Freese at \$119,068 and authorize the City Administrator to grant compensatory time at his discretion, to those individuals to compensate for the difference between their restricted and authorized compensations.</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

REQUEST FOR COUNCIL ACTION

MEETING 11 ✓

DATE: 7/7/03

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Administrator	ITEM NO. D-3
ITEM DESCRIPTION Extension of Joint Powers Agreement between the City of Rochester and MHFA for the administration of the Housing Tax Credit Program		PREPARED BY: T. Spaeth

There is presently a Joint Powers Agreement between the City of Rochester and the Minnesota Housing Finance Agency (MHFA) for the year 2003 Tax Credit program wherein the MHFA reviews and scores applications for housing tax credits based upon the MHFA's Qualified Allocation Plan (Several years ago, the City also adopted the MHFA's Qualified Allocation Plan, rather than have it's own separate Plan.). MHFA in return, will collect the application and scoring fees from the applicants to cover their expenses.

The reason for this agreement is to provide a greater efficiency by having the applicants work directly with MHFA staff, rather than through the sub-allocators (such as City of Rochester) for application for tax credits and the day to day program administration.

This arrangement has worked out well for the past several years, and staff is seeking Council approval to extend the terms of the Joint Powers Agreement for the 2004 tax credits, with the same terms as the present agreement.

COUNCIL ACTION REQUESTED:

Adopt Resolution to approve the MHFA's Qualified Allocation Plan and an amendment extending the term of MHFA Housing Tax Credit Administration Joint Powers Agreement for 2004 and directing Mayor and City Clerk to execute amendment on behalf of the City of Rochester.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 7/7/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Administration	ITEM NO. D-4
ITEM DESCRIPTION: HOMELAND SECURITY PLANNING COORDINATOR		PREPARED BY: S. KVENVOLD

The Joint Emergency Management Commission has voted to recommend the hiring of John Perkins as a consultant filling a temporary position as a Homeland Security Planning Coordinator.

This position, which would be fully funded by State funds, would be involved in a rewriting of the emergency operations plan, creating an annex on terroristic threats/weapons of mass destruction and the creation of countywide hazard mitigation plan.

The contract is for the period May 1, 2003, thru April 30, 2004. The contract amount is \$26,403.35

COUNCIL ACTION REQUESTED:

Request a motion authorizing the Mayor and City Clerk to execute the contract on behalf of the City.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

***Rochester-Olmsted County
Joint Emergency Management Commission
Meeting Minutes
April 23, 2003***

MEMBERS PRESENT:

Matt Flynn	Commission President, Olmsted County Board Chairperson
Ardell Bede	Commission Vice President, Mayor-City of Rochester
Dave Benda	Rochester City Council Member
Bob Nowiki	Rochester City Council Member
Mike Podulke	Olmsted County Commissioner
Jim Beir	Olmsted County Commissioner

ALSO PRESENT:

Dave Carr	Rochester-Olmsted County Emergency Management Director
Cpt. Harry Kerr	Representing Sheriff Steve Borchardt
Roger Peterson	Rochester Chief of Police
David Kapler	Rochester Fire Chief
Dan Slavin	Rochester Fire Department
Mary Wellik	Director-Olmsted County Health Department
Peter Giesen	Olmsted County Health Department
John Perkins	Deputy Director for Planning-Emergency Management

10:00 AM Commission President Mat Flynn called the meeting to order. The commission reviewed the minutes of the most recent IEMS-PAC meeting. The minutes of the last Commission meeting were not reviewed.

DIRECTORS UPDATE:

Dave Carr provided the commission with a written update and an oral presentation covering recent department activities. Discussion followed on the number of sirens serving the county. Dave assured the commission that Rochester and the rest of the county has one of the best systems in the State. Rochester now has forty-three sirens compared to thirty-six in Minneapolis. This year's Skywarn training netted 280 students and was a big success. In all 450 volunteers attended classes in SE Minnesota. All Cities in Olmsted County and the entire County have been certified as "Storm Ready" by the National Weather Service. Olmsted is the only urban county in the state so certified.

HOMELAND SECURITY SEMINAR:

Chief Kapler briefed the commission on a recent three-day seminar on weapons of mass destruction and hazard assessment presented by a team from Texas A & M University. The material covered was extremely well done and was a great help in completing a hazard assessment needed for the County's DOJ Master Grant Application. The sessions were well attended by department heads from most City and County Departments.

HOMELAND SECURITY PLANNING COORDINATOR:

Chief Roger Peterson briefed the commission on an IEMS recommendation for a temporary position within emergency Management for a planning coordinator. The position will be funded by a supplemental grant from the State, which has been approved in recent weeks.

The commission voted to hire John Perkins to fill the position in 2003, which will include a re-write of the emergency operations plan, creating an annex on terroristic threats and weapons of mass destruction and creation of countywide hazard mitigation plan which is required by the State to be completed by November 1, 2003. Perkins will also work with the IEMS Exercise Committee to develop a full-scale exercise for the spring of 2004 that will test the new plan, which is also a State requirement. Perkins was appointed by the Commission by consensus vote.

The public safety communications systems were also discussed in detail and Chief Peterson explained why the current system is outdated and a new trunked system is needed. It is hoped there will be grant monies available next year to help pay for this upgrade.

HEALTH DEPARTMENT UPDATE:

Mary Wellik briefed the commission of the vast planning effort going on involving the County Health Department, the State Health Department, local clinics and hospitals and emergency response agencies. The structure of the IEMS-PAC was discussed and Mary recommended an organization chart, which creates new IEMS Sub-Committees that address the planning being done by the health-medical-emergency response group.

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FUTURE COMMISSION MEETINGS:

The commission agreed to meet again in August when John Perkins will present the rewritten plans for the commissions review and approval. More information should be available then on the spring of 2004 full-scale exercise.

11:56 AM The meeting was adjourned by Commission President Matt Flynn.

Respectfully submitted by,



Dave Carr
Emergency Management Director

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 7/7/03

17

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Clerk	ITEM NO. D-5
ITEM DESCRIPTION: Licenses and Miscellaneous Activities		PREPARED BY: Judy Scherr

The following licenses and miscellaneous activities are submitted for your consideration and approval. All are pending receipt of the required fees, insurance certificates, bonds and departmental approvals.

GAMBLING – TEMPORARY

Bamber Valley Elementary PTA
2001 Bamber Valley Road SW
Raffle
February 7, 2004

March of Dimes
at Rochester Golf and Country Club
Raffle
November 3, 2003

Church of the Resurrection
1600 11th Avenue SE
Raffle
August 17, 2003

Pulmonary Hypertension Association, Inc.
At Radisson Plaza Hotel
Raffle
October 4, 2003

MASTER PLUMBER

Christopher Burns DBA Premier Plumbing
Owatonna

ON-SALE 3.2% BEER – TEMPORARY

Downtown Business Association
At Central Park
August 9, 2003 – 2:00-10:00 PM

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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LICENSES AND MISCELLANEOUS ACTIVITIES
PAGE 2

FIREWORKS – SALES

Eav Ngov
Asian Food Stores, Inc.
407 North Broadway

SIDEWALKS, DRIVEWAYS, CURBS – CEMENT

Jim Byrne DBA Jim Byrne Construction
Stewartville

SOUND AMPLIFICATION PERMIT

Will and Joan McCoy
Block Party for Son's Return from Iraq
1106 Eighth Avenue NW
June 28, 2003
12 Noon to 9:00 PM
(Prior Approvals: Hanson, Hunziker, Marcoux, McConnell)

Gay Lesbian Community Service
Pride Fest
Central Park
July 19, 2003
11:00 AM-5:00 PM

Rochester Golf and Country Club
3100 West Country Club Road
Parking Lot Dance
July 25, 2003
6:00-11:00 PM

Manpower Professional
Office Picnic
Bear Creek Park
June 28, 2003
5:00-10:00 PM
(Prior Approvals: Hunziker, Marcoux, Means, McConnell, Stobaugh)

PossAbilities of Southern Minnesota
At John Barley-Corne Restaurant
2780 Highway 63 South
Parking Lot Party
August 23, 2003
12 Noon-10:00 PM

LICENSES AND MISCELLANEOUS ACTIVITIES
PAGE 3

SOUND AMPLIFICATION PERMITS (CONTINUED)

Aviary Restaurant
4320 Highway 52 North
Annual Malibu Party in Parking Lot
July 25, 2003
8:00-11:00 PM

BPO Elks Lodge #1091
917 15th Avenue SE
Parking Lot Dance
July 19, 2003
5:30-11:00 PM

Rochester Assembly of God Church
1416 Berkman Court SE
Prayer Service
July 18, 2003
5:30-11:00 PM

Tricia Mercill
6560 Kristin Lane NW
Neighborhood Block Party
August 9, 2003
6:00-11:00 PM

Downtown Business Association
Fundraiser for Downtown Events
At Central Park
August 9, 2003
2:00-10:00 PM

MISCELLANEOUS ACTIVITIES AND STREET USE

Resurrection Catholic Church Parish
1600 11th Avenue SE
Escort for Father Schmitz's leaving parish
July 1, 2003
11:00-11:30 AM

Robert E. Pomerence
East Center to Second Street SE
Neighborhood Block Party
July 12, 2003
12 Noon-10:00 PM

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LICENSES AND MISCELLANEOUS ACTIVITIES
PAGE 4

MISCELLANEOUS ACTIVITIES AND STREET USE (CONTINUED)

Church of Jesus Christ of Latterday Saints

5K Fun Ruk – Walk

Silver Lake area

July 26, 2003

7:00-10:00 AM

ABATE Lower Corner

16th Annual Toys for Tots Motorcycle Run

July 12, 2003

1:00-4:00 PM

Will and Joan McCoy

Block Party for Son's Return from Iraq

1106 Eighth Avenue NW

June 28, 2003

12 Noon to 9:00 PM

(Prior Approvals: Hanson, Hunziker, Marcoux, McConnell)

Greg Hagen

5K/10K Road Race and 3K Walk

Olmsted Medical Center to University Center

September 21, 2003

8:00-11:00 AM

Rochester Assembly of God Church

1416 Berkman Court SE

Prayer Service

July 18, 2003

5:30-11:00 PM

National Night Out Picnic

36th Street SW

August 5, 2003

6:00-9:00 PM

Tricia Mercill

6560 Kristin Lane NW

Neighborhood Block Party

August 9, 2003

6:00-11:00 PM

LICENSES AND MISCELLANEOUS ACTIVITIES
PAGE 5

MISCELLANEOUS ACTIVITIES AND STREET USE (CONTINUED)

Ellen Larson
23rd Street SE
Neighborhood Block Party
August 23, 2003
4:00-11:00 PM

Sheri Peters
16th Avenue NW
National Night Out
August 5, 2003
5:00-9:00 PM

COUNCIL ACTION REQUESTED

A motion to approve the above licenses and miscellaneous activities pending receipt of the required documents and approvals.

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 7/7/03

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AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Clerk	ITEM NO. D-6
ITEM DESCRIPTION: On-Sale Exclusive and Sunday Intoxicating Liquor Licenses - Jenpachi Japanese Steak House, LLC		PREPARED BY: Judy Scherr
<p>Chang Hong Zhao and Qin Wen Cheng, owners of Jenpachi Japanese Steak House, LLC, are requesting approval of their application for On-Sale Exclusive and Sunday Intoxicating Liquor Licenses for their new restaurant at 3160 Wellner Drive, Suite 500, Rochester. It is anticipated that the restaurant will be in operation by early fall.</p> <p>The applicants have applied for an Exclusive License because the restaurant will not accommodate over 100 patrons and they would not have been able to secure a regular restaurant liquor license under the ordinance.</p> <p>A confidential investigative report has been satisfactorily completed on the applicants. Approval is pending the required fees, insurance certificates and departmental approvals.</p> <p><u>COUNCIL ACTION REQUESTED</u></p> <p>A motion to approve the On-Sale Exclusive and Sunday Liquor Licenses for Jenpachi Japanese Steak House, LLC, at 3160 Wellner Drive, Suite 500, Rochester.</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 7/7/03

25-

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Finance Department	ITEM NO. D-7						
ITEM DESCRIPTION: Approval of Accounts Payable		PREPARED BY: Dale Martinson						
<p>Respectfully request a motion to approve the following cash disbursements:</p> <table><tr><td>Investment purchases of</td><td>\$21,269,389.50</td></tr><tr><td>Accounts payable of</td><td><u>\$4,428,199.94</u></td></tr><tr><td>Total disbursements</td><td>\$25,697,589.44</td></tr></table> <p>(Detailed listing of disbursements submitted separately.)</p>			Investment purchases of	\$21,269,389.50	Accounts payable of	<u>\$4,428,199.94</u>	Total disbursements	\$25,697,589.44
Investment purchases of	\$21,269,389.50							
Accounts payable of	<u>\$4,428,199.94</u>							
Total disbursements	\$25,697,589.44							
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____								

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 7/7/03

AGENDA SECTION:

Consent Agenda/Organizational Business

ORIGINATING DEPT:

Finance Department

ITEM NO.

D-8

ITEM DESCRIPTION: Request by Samaritan Bethany, Inc. to call a public hearing for August 4, 2003 to consider the issuance of approximately \$7.5 million in Housing and Health Care Bonds for refunding and facility improvements.

PREPARED BY:

Dale Martinson

Representatives of Samaritan Bethany, Inc. have requested the Council set a public hearing to consider issuance of \$7.5 million in Housing and Health Care Revenue Bonds, series 2003A. The monies from the proposed issuance would be used to refund (refinance) outstanding bonds in the aggregate principal amount of \$6,630,000 which were used to finance or refinance their facility consisting of 95 units of multifamily housing for elderly persons, a 62-unit skilled nursing facility located in downtown Rochester and a 120-bed skilled nursing facility located at Samaritan Bethany Heights. Remaining proceeds would be used for renovation projects of the three facilities and for closing costs of the financing. The lower interest rates and revised repayment structure of the proposed bonds would reduce total annual debt service costs and provide a small net present value savings over the life of the financing.

Samaritan Bethany, Inc. is a qualified 501(c) (3) organization and nonprofit corporation of the state of Minnesota. Approval of this request would establish August 4th for the public hearing on this proposal and authorize publication of the hearing notice. Representatives of the firm have completed an application outlining details of the proposed issuance. This information would be available at the Clerk's office for review by interested parties.

Our bond counsel would review all documents associated with the financing to ensure that these bonds will NOT be considered a legal liability of the City and that in no event shall the obligations ever be payable from, or charged upon, any funds of the City.

Representatives of Samaritan Bethany would be available at the hearing to answer any questions the Council or the public might have.

Council Action Requested

Adopt the resolution calling for a public hearing on the issuance of public housing and health care revenue bonds for Samaritan Bethany, Inc. and authorizing publication of the public hearing notice.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

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7/7/03**AGENDA SECTION:**

CONSENT AGENDA

ORIGINATING DEPT:

Fire

ITEM NO.

D-9

ITEM DESCRIPTION:

RCO 55 FIRE PREVENTION CODE

PREPARED BY:

Lyle Felsch

Attached are proposed changes to the Rochester Code of Ordinance 55 Fire Prevention Code.

The Committee of the Whole reviewed this matter at their June 30, 2003, meeting and indicated their approval.

COUNCIL ACTION REQUESTED

Approve changes as proposed.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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Requested Changes to RCO 55; Fire Prevention Code

The attached draft copy of the Fire Department's proposed changes to RCO 55, that reflect the State of Minnesota's April 1, 2003 adoption of the International Fire Code, 2000 Ed. The bulk of the changes are editorial language to align RCO 55 with new IFC code sections and requirement changes. Fire Department permit fee changes and additions represent the basis for the balance of the changes.

Section 55.01, Subd. 7 – Adds separate cost recovery fee for the actual cost of on-site inspection of new FPE installations and is intended to make efficient use of the inspector's time. Contractors will be urged to be better prepared for final FPE inspections if they are charged a fee for the inspector's time and will make efficient use of time on site.

Subd. 8 - A new section that will allow for "special inspections" to be required by technical experts for FPE installations beyond the capabilities of Fire Department Staff or involving new technology and evaluation of alternative methods.

Section 55.02. Subd.7 – Provides actual prohibition of overcrowding of places of assembly. A detail inadvertently omitted in the 2000 edition of the IFC.

Old Sub. 7, 8, 9 & 11 are deleted as redundant with IFC 2000 provisions.

Section 55.02 Subd. 9. – Re-adopts Sections 307.5 and 307.5.1 of the IFC deleted by state amendment and which continues to prohibit LP gas grills and charcoal grills on above grade decks of apartment houses unless they are provided with automatic sprinklers. This is consistent with current fire and housing code requirements.

Section 55.04 – New sentence limiting indoor pyrotechnic displays to sprinkled buildings only. Added as a precaution in view of last years unfortunate tragedy in New Jersey.

Section 55.07 Permits – Amended to increase the annual FD permit fee to \$45 and add a fee for businesses that have multiple permits that require additional inspection and record keeping effort.

Section 55.08 Appeals – This Section is in conflict with IFC section 108 which requires Appeals Board to be "qualified by experience and training" and "who are not employees of the jurisdiction." This is similar language to the Building Code and could allow the Building and Fire Code to share a common Board of Appeals.

Subd. 1 - Replaces IFC 108.1 that was deleted by the State Fire Code to address State Fire Marshal Division's appeal process and restores similar language limiting the authority of the Appeals Board that appears in current RCO 55.08.

Section 55.10 – Deleted – New IFC Section 109 spells out the process for correction of fire code violations and is in line with current Rochester Fire Department practices. Sub. Section 109.3 as amended makes all fire code violations a misdemeanor.

New Section 55.10 – Amending IFC Sub. Section 111.4 Failure to Comply – is amend to reference general provisions for fine and penalties as a misdemeanor.

Section 55.11 – Re-Inspection Fee. Is edited to reflect increased cost of inspection and change from "may" to "shall".

Section 55.12 and 55.13 provides for cost recovery charges for malicious false alarms and non-fire fighting standby services.

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ROCHESTER CODE OF ORDINANCES

55. FIRE PREVENTION

55.01. Fire Code. Subdivision 1. The Minnesota State Fire Code, adopted by the State Fire Marshal pursuant to Minnesota Statutes, Section 299F.011, April 1, 2003, Minnesota Rules Chapter 7510.3510 to 7510.3710, Appendix B and C. ~~I-A, I-C, II-A, II-B, II-C, II-F, II-K, II-L, III-A, III-B, IV-A, and VI-D as amended by Chapter 7510.3710~~ of the International Fire Code, 2000 Edition, promulgated by the International Code Council, Inc., are hereby adopted as the fire code for the City of Rochester, except as modified in this code. The aforesaid fire code of the City of Rochester shall be known as and may be cited as the "fire code". Any provision of the fire code to protect life or property in the city which is more restrictive shall prevail over the provisions of the Minnesota State Fire Code.

Subd. 2. In addition to those provisions described in Subdivision 1 hereto, the fire code shall require that the following uses of a building or premises, as otherwise more specifically described in Section 105.6 of the International Fire Code, 2000 Edition, promulgated by the International Fire Code Inc., shall require the following operational permits from the Bureau of Fire Prevention to be prominently displayed on the premises and kept on file in the office of the city clerk for examination and use by the public:

1. Aviation facilities; 105.6.3
2. Miscellaneous combustible storage; 105.6.30
3. Combustible dust producing operations; 105.6.7
4. Combustible fibers; 105.6.8
5. Compressed gases; 105.6.9
6. Cryogenics; 105.6.10
7. Cutting and Welding; 105.6.12
8. Dry cleaning plants; 105.6.13
9. Exhibits and trade shows; 105.6.14
10. Fireworks displays, public; 3801.1
11. Flammable/combustible liquid storage, use and tank installation; 105.6.17
12. Hazardous materials; 105.6.21.
13. HPM Facilities; 105.6.22
14. High piled storage; 105.6.23
15. Hot-work operations; 105.6.24
16. Liquid petroleum gases; 106.6.28
17. Liquid or gas-fuel vehicles or equipment in assembly buildings; 105.6.27
18. Lumberyards and woodworking plants; 105.6.26
19. Mall, covered; 105.6.10
20. Open burning; 105.6.31
21. Place of assembly; 105.6.34
22. Pyrotechnic special effects; 105.6.36
23. Repair garages; 105.6.39
24. Spraying or dipping operations; 105.6.41

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25. Tents, air supported structures, canopies; 105.6.43
 26. Tire storage; 105.6.42
 27. Tire rebuilding plants; 105.6.44
 28. Waste handling; 105.6.45
 29. Wood products; 105.6.46

Subd. 3. In addition to those provisions described in Subdivision 1 and 2 the fire code shall require a Special Fire Department Permit be obtained by the installing contractor of all new installations or modifications of automatic sprinkler, fire alarm, automatic chemical extinguishing systems and flammable or combustible liquid tanks within the City of Rochester and/or all such installations which the Rochester Fire Department is responsible for plan review, on site inspection, and approvals.

Subd. 4. All such installations or modifications shall be performed by contractors properly licensed under Minnesota Rule 7512, 7105, State Statute 326.2421 or as required by any other governmental agency. Proof of valid license or certification shall accompany all applications for permit.

Subd. 5. Fees: ~~Special Fire Department~~ Fire Protection Equipment Permit fees. Fees for each permit shall be charged to perform necessary plan reviews and ~~field inspections~~ of affected installations. Permit fees shall be the actual cost of the labor and components of the fire protection system or tank installation project multiplied by .042 .015 or a minimum of ~~\$25~~ \$50. When applying for the permit, the contractor shall pay an estimated fee based on the estimated cost of the project. If the actual cost of the project is greater than the estimated cost, the contractor shall pay any additional fee amount before the final acceptance test. It is the contractor's responsibility to submit all required surcharge fees due to the Commissioner of Public Safety directly to the Commissioner.

Subd. 6. Work Without a Permit: When substantial work on installations subject to this subdivision is determined to have been commenced without benefit of the required Special Fire Department Permit and associated plan review, a special inspection of the site by a fire department inspector, shall be made as determined by the Deputy Chief of Fire Prevention before a permit may be issued for that installation. ~~A special inspection fee of \$50.00 shall be charged in addition to the permit fee.~~ A separate fee will be assessed for the project equal to the normal Fire Protection Equipment Permit fee up to a maximum of \$150.

Subd. 7 On-site Inspection Fees. A fee will be charged for all required onsite inspections of permitted Fire Protection Equipment (FPE) installations and will be billed to the installing contractor according to the hourly rate in the current employment contract, of the responding Fire Department personnel.

Subd. 8 Special Inspections. Special inspections of Fire Protection System installations may be required by the Deputy Chief of Fire Prevention when necessary to ascertain compliance with the provisions of the fire code and NFPA standards enforced in conjunction with required installations. All special inspections shall be completed prior to Fire Department final inspection, final approval or Certificate of Occupancy issuance. Installing contractors of fire protection equipment are

responsible to provide documentation of completed required inspections and witnessing of all required tests as performed by an approved and qualified independent inspector or engineer, in accordance with the Building Code Section 109 and Fire Code Section 104.7.2. Qualified inspectors shall meet the minimum qualifications as determined by the Fire Chief.

55.02. Modifications. Subdivision 1. General. The fire code described in Section 55.01 is subject to the modifications contained in this section.

Subd. 2. Jurisdiction. The word "jurisdiction" when used in the fire code shall mean the city of Rochester.

Subd. 3. Corporation Counsel. The term "corporation counsel" when used in the fire code shall mean the city attorney.

Subd. 4. Police Enforcement Assistance. Whenever requested to do so by the Chief of the Fire Department, the Chief of Police shall assign such available police officers as the Chief of Police may deem necessary to assist the fire department in enforcing the provisions of the fire code.

Subd. 5. Police Investigation Assistance. The police department shall assist the fire department in its investigations whenever requested to do so, unless otherwise directed by the Chief of Police.

Subd. 6. Filling Gas Tanks. No person shall fill or partly fill any gasoline tank of any motor vehicle upon any street, alley, or public ground from any gasoline tank wagon, truck, or any moving vehicle used for the sale or transportation of gasoline for commercial purposes.

~~Subd. 7. Obstructing Fire Department. No person shall in any manner obstruct the operation and function of the fire department, nor in any way hinder or delay it on any street.~~

~~Subd. 8. Rubbish on Sidewalks. No boxes, barrels, rubbish, trash, newspaper, excelsior, or other similar material shall be allowed to remain longer than 24 hours in any street, boulevard, sidewalk, or alley.~~

~~Subd. 9. Rubbish Near Buildings. No rubbish, trash, wastepaper, or similar combustible refuse shall be allowed within 150 feet of any building, unless contained within an approved metal container with lid.~~

Subd. 7. Overcrowding. Overcrowding and admittance of persons beyond the approved maximum, posted occupant load capacity, as required by IFC Sec. 1003.2.2.5 for a place of assembly, is prohibited. When overcrowding is determined to have occurred, the Fire Chief is authorized to cause the performance, presentation, spectacle or entertainment to be stopped until such time as the overcrowded condition is corrected.

Subd. 10 8. Hydrant Height. All required fire hydrants shall be positioned so the distance from the adjacent grade level is not less than 30" to the top of the hydrant and the 4" outlet shall face the

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roadway and/or curb line.

Subd. 9. Open-flame Cooking Devices. IFC Sections 307.5 - 307.5.1 are hereby adopted. Section 307.5 is further amended to read: Charcoal burners and other open flame cooking devices shall not be stored or operated on combustible balconies or within 10 feet of combustible construction. Section 307.5 does not apply to: (A) One and two family dwellings and buildings and decks which are protected by automatic sprinkler systems.

~~Subd. 11. Maintenance and Testing of Fire Protection Equipment. For the purpose of IFC Section 901.6, maintenance inspections of fire sprinkler systems, fire alarm systems, fire extinguishers, shall be not less than one year apart. Maintenance of water based systems shall be accomplished in accordance with NFPA Standard 25, 1998 edition of this code, as amended.~~

55.03. Storage of Explosives. The storage of explosives for which a license or the possession of which a permit is required under state law is prohibited within the corporate limits of the city, except for temporary storage or day box, in connection with use for approved blasting operations. Persons conducting blasting operations under a valid permit issued by the Chief of Police or Sheriff.

55.04. Fireworks and Pyrotechnic Displays. Fireworks and pyrotechnic displays shall be limited to those intended specifically for public viewing as permitted pursuant to M.S.S. 624 and Article 78 Chapter 33 of the fire code. Indoor pyrotechnic displays are permitted only in buildings protected throughout by an approved automatic fire sprinkler system. Public fireworks and pyrotechnic displays require application to the City Clerks office for approval by the Common Council at a regularly scheduled meeting, prior to conducting the display.

55.05. Storage of Flammable or Combustible Liquids. Subdivision 1. Class I and II Flammable Liquids. ~~The district referred to in Section 7902.2.2.1 of the fire code in which~~ The storage of class I and II flammable liquids in above-ground tanks outside of buildings is prohibited in ~~cludes~~ all parts of the city except those areas zoned M-2 general industrial district pursuant to this code. EXCEPTION: Commercial installations not intended for public use and installed as provided in MSFC Section 5202.4.1.

Subd. 3 2. New Bulk Plants. ~~A bulk plant referred to in Section 7904.2.5.4.2 of the fire code in which the construction of~~ New bulk plants for flammable or combustible liquids is ~~are~~ prohibited in ~~cludes~~ all parts of the city except those areas zoned M-2 general industrial district pursuant to this code.

55.06. Bulk Storage of Liquefied Petroleum Gases. ~~The district referred to in NFPA Standard 58, Section 3-2.2.3 of the fire code in which~~ The storage of liquefied petroleum gases is prohibited in ~~cludes~~ all parts of the city except those areas zoned M-2 general industrial district pursuant to this code.

55.07. Permits. Permits issued under Subd 2 and the fire code shall be valid for the period of one year or such lesser period as is designated in the permit. If the activity or purpose for which a permit is issued is a continuing nature, a new permit shall be obtained annually on or before the

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anniversary date of the permit last issued. A permit fee of ~~\$35.00~~ \$45.00 for each permitted activity and \$10 for each additional permitted activity at the same property, facility or building, shall be charged for each permit, issued, including each annual renewal thereof.

55.08. Appeals. Subdivision 1. ~~The Common Council shall hear and decide appeals of orders, decisions or determinations made by a fire department official concerning the application or interpretation of this code, the suitability of alternative materials, and methods and types of construction. The Common Council shall not waive requirements of the fire code or grant variances to any of its provisions.~~

Subd. 1. All requests for appeals shall be made to the Fire Chief, within 30 days of the date of issuance of correction orders by the Fire Prevention Bureau. The Chief shall forward the application for appeal to the Board of Appeals ~~City Administrator's office to schedule a public hearing, to consider the appeal~~ for consideration in accordance with Fire Code Section 108 and 108.2.

Subd. 2. Limitations on Appeals. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or and equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of the fire code.

Subd. 3. There is hereby established a Fire Code Board of Appeals that shall consist of five members appointed by the common council. Each member shall be qualified by experience and training to pass on matters pertaining to this code. Initially one member shall be appointed for a term of one year, two members shall be appointed for a term of two years, and two members shall be appointed for three years. Thereafter each member shall be appointed for terms of three years. Each member shall serve for the appointed term and until a successor is appointed and qualified. Three members shall constitute a quorum to transact business. The fire chief or his designee shall be an ex officio non-voting member of the board. The board shall adopt rules of procedure for conducting its business.

55.09. Violations. Any violation of any provision of the fire code or failure to comply therewith, or violation or failure to comply with any order made thereunder, or any building in violation of any specifications or plans submitted and approved thereunder or in violation of any certificate or permit issued to thereunder, and from which no appeal has been taken, or failure to comply with such order as affirmed or modified by the council herein, shall be a separate violation. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and any person responsible for the violation shall correct or remedy such violation or defect within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of any penalty shall not be held to prevent the enforced removal of prohibited conditions.

~~55.10. Citations For Certain Violations. The Chief of the Fire Department or the Deputy Chief of Fire Prevention, or the authorized agent of either, is authorized to issue a citation to any person, firm, or entity for any alleged violation of the following enumerated provisions of the Rochester Fire Code as adopted under Section 55.01 of this Chapter: Sections 103.4.3.1, 103.4.3.2 103.4.3.3,~~

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~~103.4.4, 105.8, 902.2.4.1, 1001.5, 1111.2.1, 1109.4.1, 1109.4.2, 1109.5, 1203, 1204, 1205, 1206, and 2501.16.3; and any other ordinance, rule, or statute which provides authority or the basis for prosecutions of violations of the said enumerated sections of the Rochester Fire Code~~

55.10. Failure to Comply. Fire Code Sub. "Section 111.4 Failure to Comply" is amended to read, "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor."

55.11. Re-inspection Fee. When in the course of enforcing a duly issued violation notice, becomes necessary for a Fire Department Inspector to make one or more additional return visits to re-inspect a property, over and above the normal one (1) follow-up inspection to insure correction of a duly cited violation of the fire code, a "re-inspection" fee of ~~\$25.00~~ \$35.00 ~~may~~ shall be charged to the property/business owner for each additional re-inspection required to obtain compliance, ~~at the discretion of the Chief or Deputy Chief of Fire Prevention.~~

55.12. Fire Response Reimbursement. Persons determined responsible for malicious false alarms resulting in an unnecessary fire department response, will be required to reimburse the fire department for the actual cost of that run, in addition to any court ordered fines or charges. Minimum charges will be the determined by the actual hourly rates, according to the current employment contract, of the responding Fire Department personnel and the following hourly rates for responding apparatus and vehicles used: Chief's Car \$40/hr., Engine \$55/hr., Aerial \$75 /hr., Rescue \$40/hr., and Investigation Van \$30/hr.

55.13. Fire Department Standby Charges. When required by the fire code or when requested by outside agencies to provide "standby" fire department personnel to perform fire safety, inspection or other fire related duties the Fire Department must charge that agency or business, for the actual cost of providing those standby personnel and vehicles. Minimum charges will be as stated in Section 55.12.

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Kvenvold, Steve

From: Goslee, Dave
Sent: Monday, June 16, 2003 2:53 PM
To: Felsch, Lyle; Kvenvold, Steve
Subject: Fire Code Board of Appeals

Lyle has asked me to answer the question of whether the City Council can act as the Board of Appeals under the International Fire Code that has been adopted as the new state fire code. I have discussed this matter with Terry and we agree that the city council is not qualified to act as the board of appeals.

The IFC identifies two qualifications to serve on this board: 1) qualified by experience and training to pass on matters pertaining to this code; and 2) not employees of the jurisdiction. As to the first qualification, it would be difficult to claim that all members of the council have experience and training in fire code issues. This disqualifies the council as an appropriate body to hear these appeals. As to the second qualification, the City has treated its councilmembers as employees by providing salary, benefits, workmen's comp. coverage, etc. The City would be hard pressed to say that they are not employees for purposes of this provision of the IFC.

The result is that the City should establish this board of appeals at the same time it adopts the ordinance incorporating in the IFC. And creating the board by ordinance is appropriate and is consistent with what the City has done with other similar boards. For example, the provisions of RCO chapter 33 create a Housing Code Board of Appeals, and the provision in RCO chapter 54 create a Heating, Ventilating and Air Conditioning Board of Review. What I would need to know is how you want this board to be set up. Would you want 3, 5 or 7 members; what are their terms; what constitutes a quorum; is the fire chief or his designee an ex officio non-voting member; what are the qualifications for the members, etc. I can put something together for you before the June 30th COW meeting if you'd like and if you provide me with some direction.

Dave Goslee
Deputy City Attorney

BOARD OF APPEALS:

The board of appeals shall consist of seven (7) members appointed by the city council. All board members must be eligible electors of Rochester but not regular employees of the city. The board shall include at least one licensed electrician, one licensed plumber, one HVAC professional, one representative from the Rochester Area Builders Association, and one building design professional. The remaining members shall be qualified by experiences and training to pass on matters pertaining to building construction. The building official shall be an ex officio member and shall act as secretary to the board, but shall have no vote on any matters before the board.

APPEALS PROCEDURE:

- A. Jurisdiction: Any person aggrieved by a decision of the building official or the fire chief with regard to the building code, plumbing code, electrical code, mechanical code, housing code, or fire code may file an appeal to the board of appeals within thirty (30) days of said decision. "Decision" means any decision, determination, direction, notice, finding, or order of the building official or the fire chief.
- B. Application: In order to file an appeal, the person must complete a form provided by the city and pay a filing fee. In said application, the person filing the appeal shall state all code provisions applicable to the appeal, attach relevant supporting documentation, and explain the basis for the appeal.
- C. Authority: The board of appeals may by majority vote reverse a decision by the building official or the fire chief based on the building code, plumbing code, electrical code, mechanical code, or fire code only if it finds that:
1. There are practical difficulties involved in carrying out the provisions of this code. "Practical difficulties" means that: a) the strict letter of this code is impractical; b) the modification is in conformance with the intent and purpose of this code; and c) such modification does not lessen any fire protection requirements or any degree of structural integrity; or
 2. Any material, alternate design or method of construction not specifically prescribed by this code is appropriate. Any material, alternate design or method of construction is appropriate if: a) the proposed design is satisfactory and complies with the provision of this code, and b) the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation; or
 3. If the building official or fire chief has incorrectly interpreted a provision of the code; or

4. If the provisions of the code do not fully apply.

D.Hearing: The person shall be advised in writing of the time and place at least three (3) calendar days prior to the hearing. At the hearing, the person shall have an opportunity to be heard.

E.Fees: Fees for filing an appeal shall be set by resolution of the city council.

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 7/7/03

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AGENDA SECTION: Consent	ORIGINATING DEPT: Human Resources	ITEM NO. D-10
ITEM DESCRIPTION: Change to City Employee Parking/Transit Plan		PREPARED BY: Linda Gilsrud and Steve Richardson

An employee injured while walking to or from a City-subsidized parking lot or ramp before, during, or after his/her work shift is covered by the City's self-funded worker's compensation coverage for medical expenses and lost time. In order to enhance employee safety awareness, Human Resources staff and Parking/Transit staff recommend an addition to the City Employee Parking/Transit Plan:

Proposed Revision to City Employee Parking/Transit Plan

- B. Employees parking at employer subsidized parking locations shall not cross the roadway, other than at a controlled intersection where vehicles are required to stop or a signed crosswalk, when reporting to their work location or returning to their vehicle. Employees observed crossing at other locations may be subject to disciplinary action.

COUNCIL ACTION REQUESTED:

Approve proposed revision to City Employee Parking/Transit Plan

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 7/7/03

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AGENDA SECTION: Consent	ORIGINATING DEPT: Human Resources	ITEM NO. D-11	
ITEM DESCRIPTION: Wage Recommendation for 2003 - Parking Control Officers		PREPARED BY: Linda Gilsrud	
<p>The three Parking Control Officers are eligible for an annual pay adjustment on 1/1/03. The three employees would have their pay rates adjusted by 3%. The percentage increase would be similar to 2003 wage adjustments for all other Police Department employees and all other City employees.</p>			
<u>Council Action Requested:</u> Resolution to grant a general wage increase of 3% to Parking Control Officers retroactive to 1/1/03			

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 7/7/03

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AGENDA SECTION:
Consent Agenda

ORIGINATING DEPT:
Police

ITEM NO.

D-12

ITEM DESCRIPTION: Donation to Police Honor Guard

PREPARED BY:
M. Goodsell

The Past Exalted Ruler Assn (Elks) has donated \$100 to the Rochester Police Honor Guard to assist with clothing costs.

COUNCIL ACTION REQUESTED:

Approval to accept \$100 donation from the Past Exalted Rulers Assn for Police Honor Guard clothing expense.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING
DATE: 7/7/03

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AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Police	ITEM NO. D-13
ITEM DESCRIPTION: SAFE & SOBER 2004 Grant Application		PREPARED BY: Roger Peterson

The Rochester Police Department would like to apply for the *Safe & Sober* 2004 Grant Program through the Minnesota Department of Public Safety Office of Traffic Safety. The Department of Public Safety is seeking proposals to conduct highly publicized overtime enforcement projects addressing the issues of impaired driving and passenger protection use. The purpose of the program is to promote the safety of those who use public roadways. Traffic safety interventions have been proven to reduce deaths and injuries caused by motor vehicle crashing. Olmsted County is one of the twenty Minnesota counties with the highest number of traffic deaths and severe injuries. Grant funds are for additional funding for enhanced enforcement.

Safe and Sober grants are expected to be in the range of \$8,000 to \$60,000. The majority of proposals approved are \$25,000 or less, however, Rochester has typically received grants in the range of \$30,000 to \$40,000. The project year begins on October 1, 2003 and ends on September 30, 2004.

While a match is not required for the grant, expenses related to the project that are paid for with municipal funds clearly demonstrate that the City has a vested interest and real commitment to *Safe & Sober*. Typically, a local match of \$6,000 has been provided to the grant program.

COUNCIL ACTION REQUESTED:

Approval to apply and accept *Safe & Sober* grant funds and to enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled SAFE & SOBER 2004 during the period from October 1, 2003 through September 30, 2004. Further it is requested that the Police Chief, Mayor and City Clerk be authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the City of Rochester, Rochester Police Department. It is further requested that a local match of \$6,000 be approved from the contingency fund.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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<u>REQUEST FOR COUNCIL ACTION</u>		MEETING DATE: 7/7/2003
AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Rochester Public Library	ITEM NO. D-14
ITEM DESCRIPTION: CONTRACT FOR EBOOKS-PARTICIPATION IN NETLIBRARY II COLLECTION		PREPARED BY: Audrey Betcher
<p>The library will be participating in the Minitex eBook agreement, which gives RPL access to the netLibrary Shared Collection II, a dynamic collection of 800-1,200 or more highly regarded reference, professional and scholarly titles from leading publishers. The one-time charge for accessing the collection (\$3,250) is in the operating budget.</p> <p><u>COUNCIL ACTION REQUESTED</u></p> <p>Request a motion authorizing the signing of the contract.</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

REQUEST FOR COUNCIL ACTION

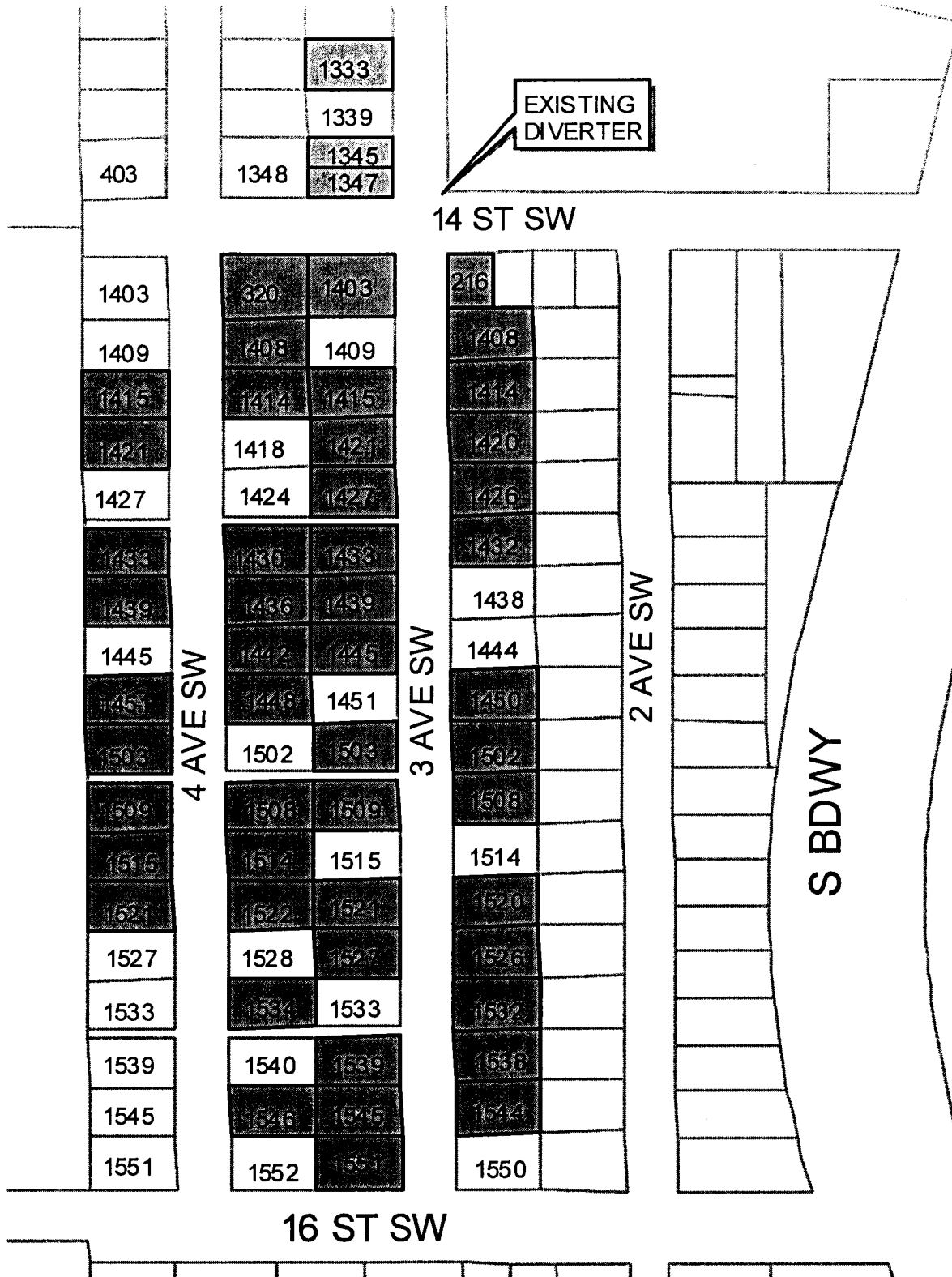
MEETING

DATE:

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7-7-03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-15
ITEM DESCRIPTION: Remove traffic diverter, 14 th Street SW at 3 rd Ave SW		PREPARED BY: D. Kramer DPK
<p>At the time Hy-Vee was built, a concrete traffic diverter was installed at 14th St & 3 Ave SW at the request of the residential neighborhood. The diverter was intended to reduce cut-through traffic by preventing northbound and eastbound traffic from proceeding north from the intersection.</p> <p>The diverter has not performed satisfactorily. Traffic routinely</p> <ul style="list-style-type: none">• Drives the wrong way northbound on the left side of the diverter,• Makes a U turn east of the diverter and proceeds north, or• Cuts through the private property on the northeast corner of the intersection (past the loading dock area), then back onto 3rd Ave heading northbound. <p>The City Council has previously been asked and declined to remove the diverter unless petitioned by the neighborhood.</p> <p>The properties that were intended to benefit from reduced traffic with the diverter were on 3rd & 4th Avenues SW between 14th Street & 16th Street. A petition to remove the diverter was received June 30, 2003 with signatures from 68% of these residences, plus three residences north of 14th Street.</p> <p>The concrete diverter would be removed, the pavement patched, and the signing changed by city forces with no assessment to the neighborhood. The estimated cost to the city for removal of the traffic diverter is \$4,000.</p> <p>COUNCIL ACTION REQUESTED:</p> <p>Approve removal of the concrete diverter at the 14th Street SW and 3rd Ave SW intersection, allowing eastbound and northbound traffic to lawfully proceed north from the intersection.</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

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Residents of shaded lots signed the petition, including
 21/36 or 58% of the lots on 4th Ave between 14th St & 16th St SW
 28/36 or 78% of the lots on 3rd Ave between 14th St & 16th St SW
 49/72 or 68% of the lots overall.

Petition to remove concrete on 3rd Ave SW and 14 Street SW

Larson & John Pavak	1421 3 rd Ave. S.W.
Ken Zullin	1420 3 rd Ave S.W.
Cedelle & Philip Allen	1415 - 3 rd Ave. S.W.
Mark O'Byrne	1408 - 3 rd Ave S.W.
Elena Caligutovich	1408 3 rd Ave S.W.
Charles J. Cappuccino	1414 - 3 rd Ave. S.W.
Delores Tappening	1414 3 rd Ave. S.W.
Connie Umlauf	1433 3 rd Ave, SW
Greg Umlauf	1433 3 rd Ave SW
Melissa Umlauf	1433 3 rd Ave SW
Anthony Yidli	1432 3 rd Ave S.W.
Mary Duffin	1432 - 3 rd Ave. SW
Lisa Harely	1450 3 rd Ave SW
Marlin Harely	1450 3 rd Ave SW
Jim Halling	1502 3 rd AVE SW
Robert J. Jansen	1508 3 rd Ave SW
David J. Jansen	1508 3 rd Ave SW
Robert J. Jansen	1508 3 rd Ave SW
Steve Hasey	1520 3 rd Ave SW
Todd & Kathie Skari	1522 4 th Ave. S.W.
Pet & Doris & Shannon Hef	1526 3 rd Ave SW
Mildred Lette	1532 - 3 rd Ave S.W.
Bill Mendenhall	1538 - 3 rd Ave SW.
Beryl Oberman	1544 3 rd Ave S.W.
Arnold & Jorgenson	1551 3 rd Ave. S.W.
Theresa Jorgenson	1551 - 3 rd Ave. SW.

Darlene Cheneveld	1545 3 rd Ave SW
Jim Cheneveld	1545 3 rd Ave SW
J. Evelyn Cheneveld	1527 - 3 rd Ave SW
Paul Lindsey	1527 - 3 rd Ave SW
Arabella Pedlow	1414 4 th Ave S.W.
Angela M. Alvar	1503 3 rd Ave SW
Theodore W. Davis	1503 3 rd Ave SW
Dane Peterson	1445 3 rd Ave SW
Molly Pickett	1445 3 rd Ave SW
Robert Douse	1427 3 rd Ave SW
Cheryl Douse	1427 3 rd Ave SW
Oruo Hawley	1426 - 3 rd Ave SW
Sheldon Hawley	1426 - 3 rd Ave SW
Snigdha Steiner Kussro	1529 3 rd Ave SW
Glen B. D. J. J. J. J.	1403 - 3 rd Ave SW
Ida E. J. J. J.	1403 - 3 rd Ave SW
Shirley Farrell	216 - 14 th St. SW
M. + Mrs. Tom Farwell	217 - 14 th St. SW
Jeanie Bicki	1420 - 3 rd Ave SW
Therese M. Mass	1439 - 3 rd Ave SW
Young J. M. M.	1539 - 3 rd Ave SW
Wendy L. Nelson	1539 2 nd Ave SW
Dele M. M.	1521 3 rd Ave SW
Thomas M. M.	1521 3 rd Ave SW

Petition to remove concrete on 3rd Ave SW and 14 Street SW

Don & Sara Andreen	1403 4 th Ave SW Rochester
Dorothy Steinhaus	320 - 14 th St. S.W. Roch. 55902
Robert Steinhaus	" " " " " " " "
Delorah Bissen	1347 3 rd Ave SW Rochester 55902
Joseph & Bissen	1347 3 rd Ave SW Roch, MN 55902
Don Paffenbarger	1345-3-AVE SW Roch, Minn. 55902
Kelly Bremner	1333 3 AVE SW #4 Roch MN 55902
John & Ruth Anderson	1430 4th Ave SW Rochester MN 55902
Matt & Patty Crott	1436 4TH AVE SW ROCHESTER, MN 55902
Jim & Jackie Fraude	1503 4 th ave SW Rochester MN 55902
Donna Capuzzi	1448 4 th Ave SW, Roch 55902
Gandy Burt	1451 4 th Ave SW Roch., 55902
Truella Kemball	1514 - 4 th ave SW Roch, 55903
Sharon Pfeiffer	1515 - 4 - Ave S.W Rochester, Minn 55902
Jerry & Katherine Moore	1531 - 4 Ave. S.W. Rochester, Minn.
Mona Thompson	1509- 4 th Ave SW Rochester, MN
David Finckh	1503 4 th ave SW
MARK BURT	1451 4 th Ave SW
Penny Marshall	1546 4 Ave SW
Jim Tonjum	1546 4 Ave SW
Phyllis Smick	1534 4 th Ave S.W.
Don Smick	1534 4 th Ave S.W.
Edna Sharon Parker	1442 4th Ave. S.W.
Julia B. Smith	1433- 4 th Ave. S.W.
Janet Rindell	1421 4 th Ave SW
M. Kenlies	1421 4 th ave SW

58
Date: _____

PETITION FOR REMOVAL
of traffic island at intersection of 14th St. SW & 3rd Ave. SW

	<u>Name (please print)</u>	<u>Address</u>	<u>Phone #</u>	<u>Signature</u>
1.	Kristie Klatt	1439 4th Ave SW		
2.	Dennis Jones	1415 4th Ave SW		
3.	Sharon Jones	1415 4th Ave SW		
4.	John Olson	1346 4th Ave SW		
5.	Bill Taylor	1508 4th Ave SW		
6.	Kristi Anderson	1508 4th Ave SW		
7.				
8.				
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24.				
25.				

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

51
7/7/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-16
ITEM DESCRIPTION: Real Estate - Development Charge Assessment Policy		PREPARED BY: <i>Wf</i> M. Nigbur <i>MM</i>

The City received a request for a modification to the policy of how charges for Projects constructed by the City's Contractor are recovered from developers of new subdivisions/developments.

Specifically in this case the Owner, Exmplar Inc., has requested that the charges associated with the City's sewer and water project attributed to his property (The Stone Bridge Development) be apportioned on a per platted lot basis with accruing interest. The charges would be due and payable upon sale of each lot or within 5 years which ever occurs first.

Staff has met discussed & reviewed this request and would suggest the following policy:

In circumstances where the City has initiated a project and installed infrastructure for the benefit of other portions of the community and not necessarily for the immediate or direct benefit of the land owner it is appropriate that the Owner may request and the City may apportion the cost of the project over future platted lots for a specified number of years once the owner is ready for development (if the phases of the development commence within the first 5 years after project completion).

If phases of any development lying within affected property commence within 5 years after completion of the project:

- .. the Owner shall execute a development/contribution agreement that outlines the proportional project cost (based on the City's Standard rate or the actual cost, if the project commencement is within 1 year of Development) that is attributable to the property, the lots upon which the costs are to be apportioned, the time frame for repayment, any chargeable interest /inflationary adjustments (ENR) that are appropriate to reflect a present value cost of the improvement, and the obligation of the Owner to waive any rights to contest the charges/assessments.
- .. Once the amount of the costs to be apportioned to the Property have been determined the Owner must either pay the charges within 30 days of invoicing or request the charges for the development be assessed against the lots.
- .. If the costs are assessed against the lots the charges will be levied against the property with the appropriate interest rate and shall be paid at the time of each lot connection or 5 years after of the date of project completion whichever occurs first.

If development of portions of the property commence after the 5th year after project completion:

- ... the Owner shall execute a development/contribution agreement that outlines the proportional project cost (based on the City's Standard rate as adjusted by the ENR) that is attributable to the property, timeframe for repayment (including paying for each phase of development within 30 days of invoicing after final plat/site plan approval), and obligations of the Owner to waive any rights to contest the charges/assessments.

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Based on the above policy language and upon request of the Owner (Exemplar Inc.) the Staff is recommending in favor of the Owner's requests based on the City initiating a project on March 4, 2002 to serve the Sunnydale area with sanitary sewer and watermain. The City crossed this owner's land with sanitary sewer for the project area and installed watermain along the owner's frontage. The Owner's specific request on the cost recovery of the charges include

- To assess the apportioned cost of the sanitary sewer and watermain across 24 lots lying within the first phase of development abutting the sewer alignment.
- Payment of the cost shall made be prior to connection or within 5 years whichever occurs first.
- Application of the normal 5.0% simple interest rate that is associated with assessing the apportioned cost.

COUNCIL ACTION REQUESTED:

- Adoption of a resolution adopting this policy and authorizing the use of the policy identified herein.
- Adoption of an assessment interest rate of 5.0% with an annual review and revision on August 1, of each year concurrent with the standard rate adjustments.
- Authorization to apportion the cost of the sewer and water to serve the Stone Bridge Development across the 24 lots abutting the sewerline route for a period not to exceed 5 years from the date of March 4, 2002.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

59
7-7-03**AGENDA SECTION:**

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-17

ITEM DESCRIPTION: Award of Contracts, Traffic Signal Emergency Vehicle Preemption (EVP), J6396**PREPARED BY:** *gm*
kw D. Kramer *DFK*

Traffic signal Emergency Vehicle Preemption (EVP) is a means for emergency vehicles, such as police and fire, to obtain a green light as they approach traffic signals. The benefit is both decreased response times and improved safety. The system works with optical emitters on the emergency vehicles, with optical receivers and equipment on the traffic signals.

The city has previously entered into respective agreements with Mn/DOT and Olmsted County that cover the cost, maintenance, and operation of EVP in Mn/DOT and county signals within the City of Rochester. The project includes EVP in all City of Rochester, Mn/DOT, and Olmsted County traffic signals within the city, with the city as the lead agency for installation.

Bids were received and opened after 11:00 AM, June 10, 2003 for **Purchase** of EVP Equipment, J6396 as follows:

	<u>Base Bid</u>	<u>Alternate 1 Bid</u>	<u>Alternate 2 Bid</u>
1. Brown Traffic Products	\$157,711.73	\$189,643.00	\$249,738.00
2. Traffic Control Corp.	\$171,715.00	\$201,584.00	\$266,433.75

Bids were received and opened after 11:00 AM, June 25, 2003 for **Installation** of EVP Equipment, J6396 as follows:

1. Winkels Electric	\$216,545.14
2. Nietz Electric	\$355,110.00

Purchase of EVP Equipment Alternate 2 Bid includes vehicle identification decoding equipment, which will provide excellent security against unauthorized traffic signal preemption. There are or have been web site(s) that sell instructions for home-made EVP emitters, and there are third party manufacturer(s) that sell handheld EVP emitters. Staff has personally observed traffic signals in downtown Minneapolis preempted with a third party handheld EVP emitter that looked exactly like a Mag-Lite flashlight. Unauthorized preemption could create a hazardous condition where a pedestrian is stranded in the intersection or drivers are surprised by a very short green light, and it also disrupts the normal traffic flow and progression. Staff recommends proceeding with the Alternate 2 equipment.

The project was originally budgeted in the 2001 CIP for \$863,000, including \$514,000 in city funds, \$86,000 in private funds (Gold Cross Ambulance), with the remainder being county & state funds. In the 2002 CIP, the city funds were reduced by \$198,000, and Gold Cross declined to participate, for a total reduction of \$284,000.

The project is currently short approximately \$52,000 in city funds to install the higher security EVP equipment in all city traffic signals. The \$52,000 will come from project reserves from the police New World software system project, J1977. County and state funds per the agreements are adequate to cover their portion of the project.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

60
EVP Award of Contracts

Page 2

July 7, 2003

COUNCIL ACTION REQUESTED:

Adopt a resolution awarding the contract, "Purchase of Emergency Vehicle Preemption Equipment, J6396" to Brown Traffic Products, Alternate 2; and adopt a resolution awarding the contract, "Installation of Emergency Vehicle Preemption Equipment, J6396" to Winkels Electric; and authorize the Mayor and Clerk to execute the respective contracts.

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

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7/7/03**AGENDA SECTION:**

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

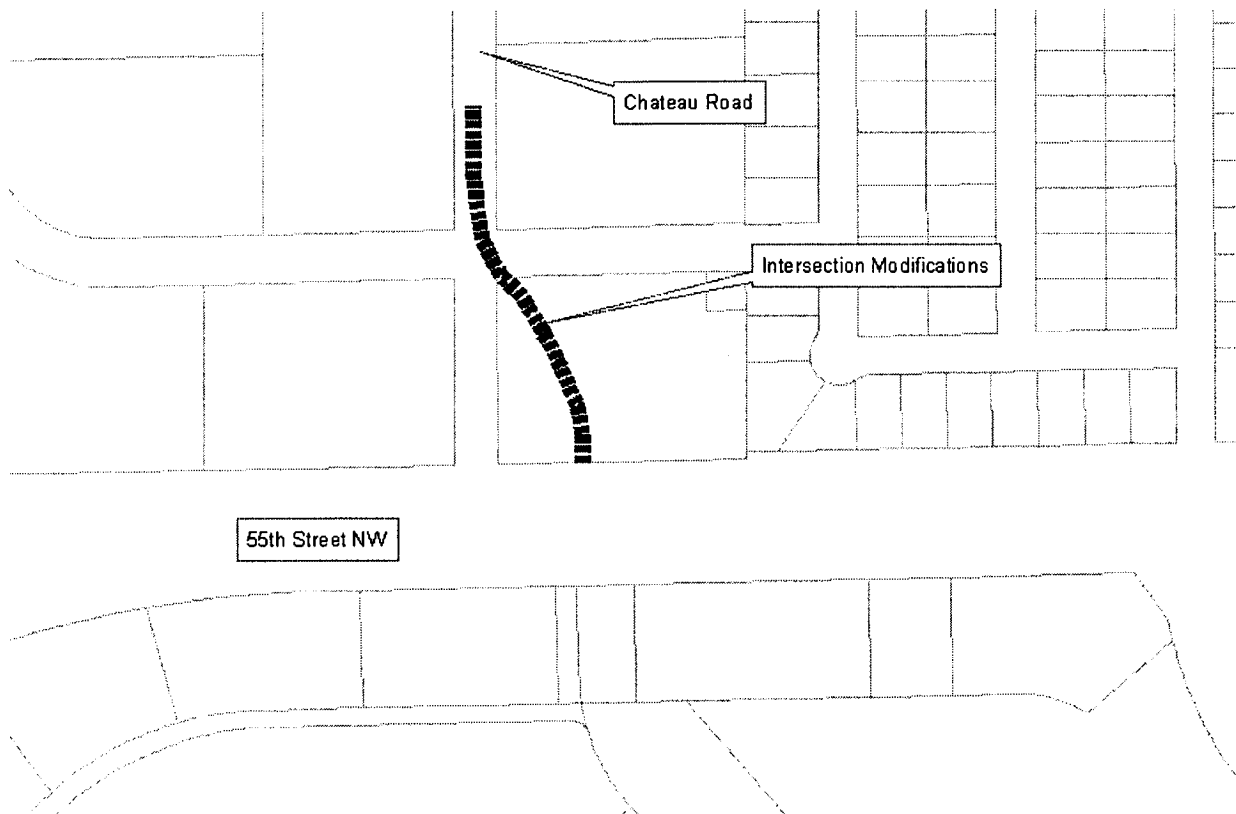
D-18

ITEM DESCRIPTION:Real Estate - Right of way acquisition for Chateau Road / 55th
Street Intersection Roadway Improvements (J7222)**PREPARED BY:**

M. Nigbur

The City and County have recently agreed upon the improvements needed to modify the 55th Street Chateau Road intersection. The project has not yet been designed however; enough information is known to begin the acquisition process. Staff will need to acquire the needed land rights to allow Phase 2 of the project to proceed so that it is completed by October 15, 2004.

Staff would request authorization to retain consultants for the real estate acquisition process. Staff also requests the authorization to negotiate and settle with the land owners for the needed land rights. The City Administrator is authorized to approve necessary settlement values that may exceed the appraised value by up to 15%. If negotiations do not progress satisfactorily and timely, Staff would also request authorization, at the direction of the City Administrator, to begin the 90 Day Quick Take eminent domain process. This process may be needed to maintain the project schedule. Staff will continue to negotiate towards a settlement during the condemnation process.

**COUNCIL ACTION REQUESTED:**

Adoption of a resolution authorizing the staff to retain consultants, negotiate/acquire the needed real estate at a value not to exceed 15% appraised value, and authorize the use of the 90 day "Quick Take" for land acquisition associated with the Chateau Road / 55th Street Intersection Roadway improvement project.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING

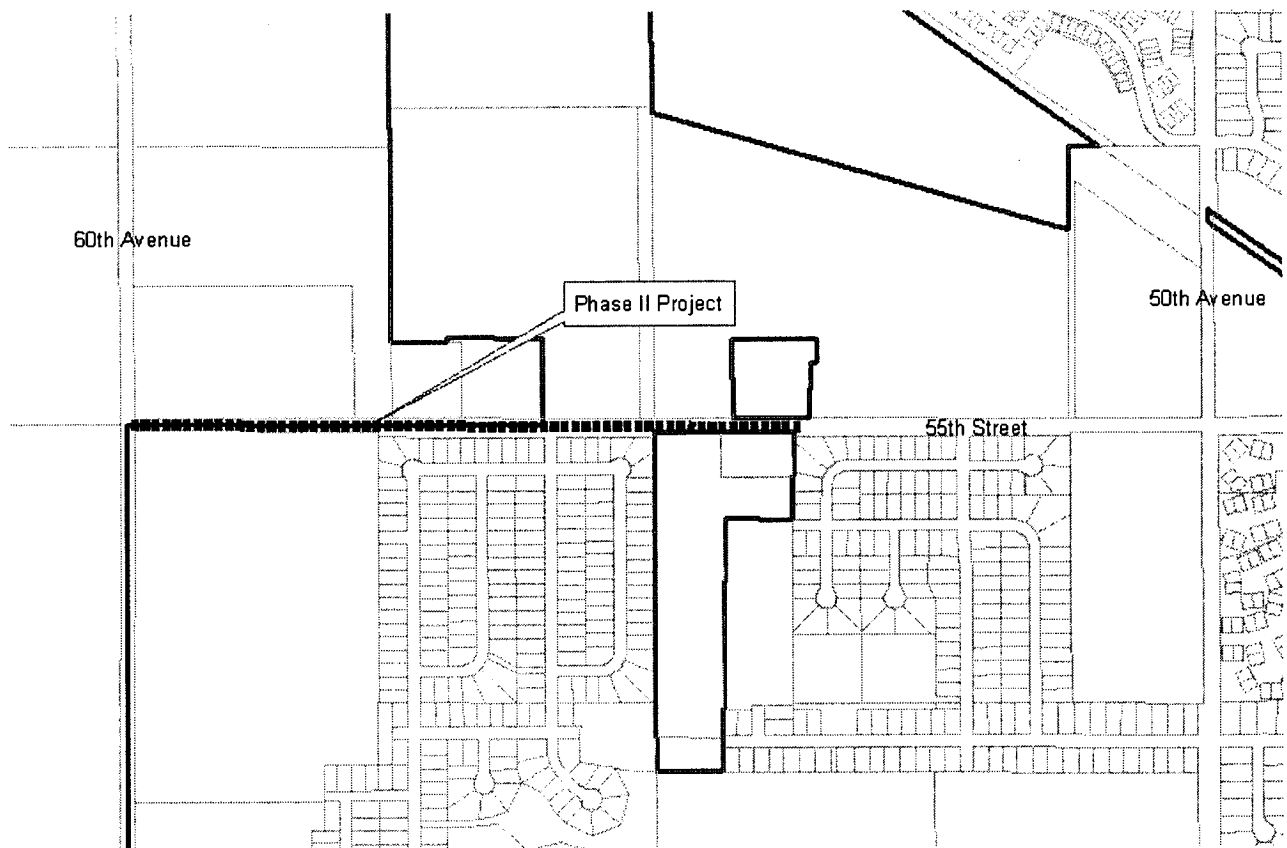
DATE: 7/7/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-19
ITEM DESCRIPTION: Real Estate - Right of way Acquisition for 55 th Street NW Phase II (J9579)	PREPARED BY: M. Nigbur <i>MN</i>	

The reconstruction of 55th Street NW between 52nd Avenue and 60th Avenue has been programmed by the City for construction in 2003/2004. The Council has approved the project in the CIP. Design has begun, and right-of-way limits have been established. Staff now needs to begin the acquisition process to obtain the needed land rights to maintain the project schedule.

Staff would request authorization to retain consultants for the real estate acquisition process. Staff also requests the authorization to negotiate and settle with the land owners for the needed land rights. The City Administrator is authorized to approve necessary settlement values that may exceed the appraised value by up to 15%. If negotiations do not progress satisfactorily and timely, Staff would also request authorization, at the direction of the City Administrator, to begin the 90 Day Quick Take eminent domain process. This process may be needed to maintain the project schedule. Staff will continue to negotiate towards a settlement during the condemnation process.



COUNCIL ACTION REQUESTED:

Adoption of a resolution authorizing the staff to retain consultants, negotiate/acquire the needed real estate at a value not to exceed 15% appraised value, and authorize the use of the 90 day "Quick Take" for land acquisition associated with the 55th Street NW project (J9579).

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

07/07/03

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AGENDA SECTION: CONSENT AGENDA		ORIGINATING DEPT: PUBLIC WORKS	ITEM NO. D-20
ITEM DESCRIPTION:	AWARD OF CONTRACT: (J9815) Reconstruction of Bandel Road NW		PREPARED BY: R. Kelman

Bids were received and opened after 11:00 a.m., **June 18, 2003** for the following local improvement project:

Project Number

State Aid Project 159-080-11

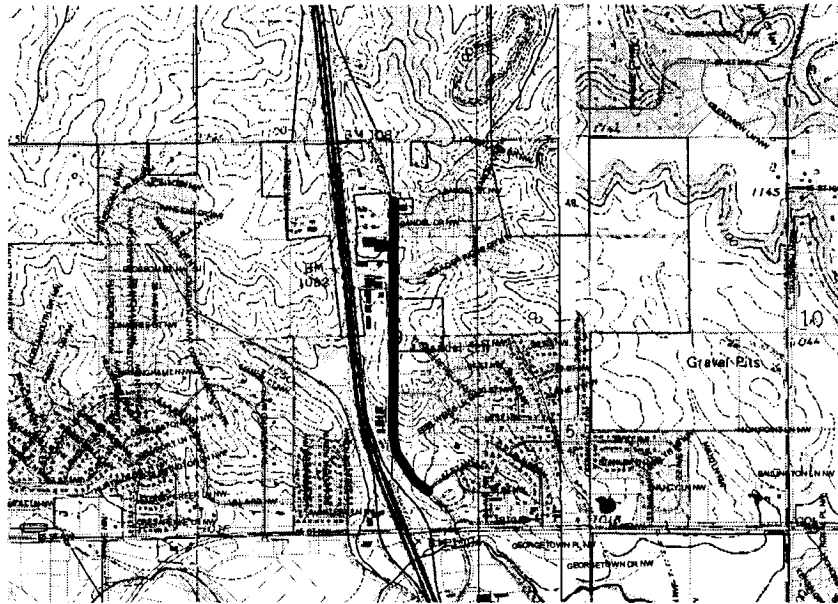
City Number M1-50 (J-9815)

Project Name

Reconstruction of Bandel Road NW

Project Background

This project is included in the 2003 – 2008 Capital Improvement Program, item #8, page 32. The project is proposed to be funded from Federal TEA21 funds (80%), Special Assessments (16.1%) and a City Share (3.9%).



The following bids were received:

	Total Bid
1. Road Constructors	\$ 1,617,052.30
2. Rochester Sand & Gravel	\$ 1,778,356.94

Engineers Estimate \$ 1,620,702.25

Project Recommendation:

The Public Works Department recommends the City Council proceed with an award to the low bidder for the contract. The Contract must also be approved by MnDOT due to federal funding.

COUNCIL ACTION REQUESTED:

Adopt a resolution awarding the contract, (J9815) Reconstruction of Bandel Road NW to **Road Constructors**, conditioned on approval of the contract by MnDOT.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

07/07/03

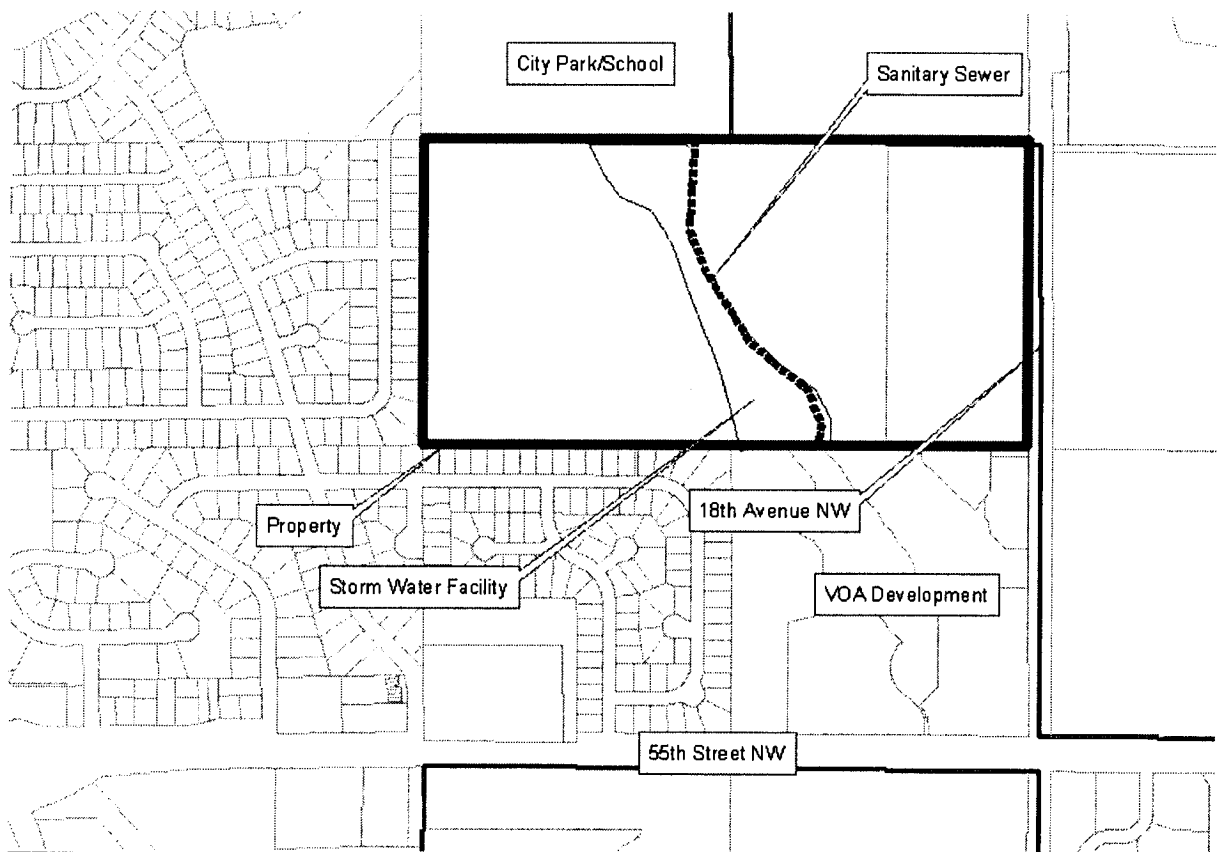
69 ✓

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-22
ITEM DESCRIPTION: Development Agreement– Crimson Ridge Development		PREPARED BY: M. Nigbur

The Owners of the Crimson Ridge Development property and the City Staff have had discussions relating to impacts on the public infrastructure resulting from the development of the Property. Based on the discussions, the content for a development agreement has been decided and a document has been created. The major items covered in the agreement include the following:

- Storm Water Management
- Traffic Improvements: controlled access dedication, traffic control signs, pedestrian facility construction and abutting roadway improvements.
- Owner's payment of the development related charges including Storm Water Management, Sanitary Sewer Availability, Water Availability, parkland dedication, Substandard Street Charges and Transportation Improvement District charges.

Staff recommends the Council approve the Development Agreement. The Owners have executed the Development Agreement.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Crimson Ridge Development Agreement with Arcon Development.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

7/7/03

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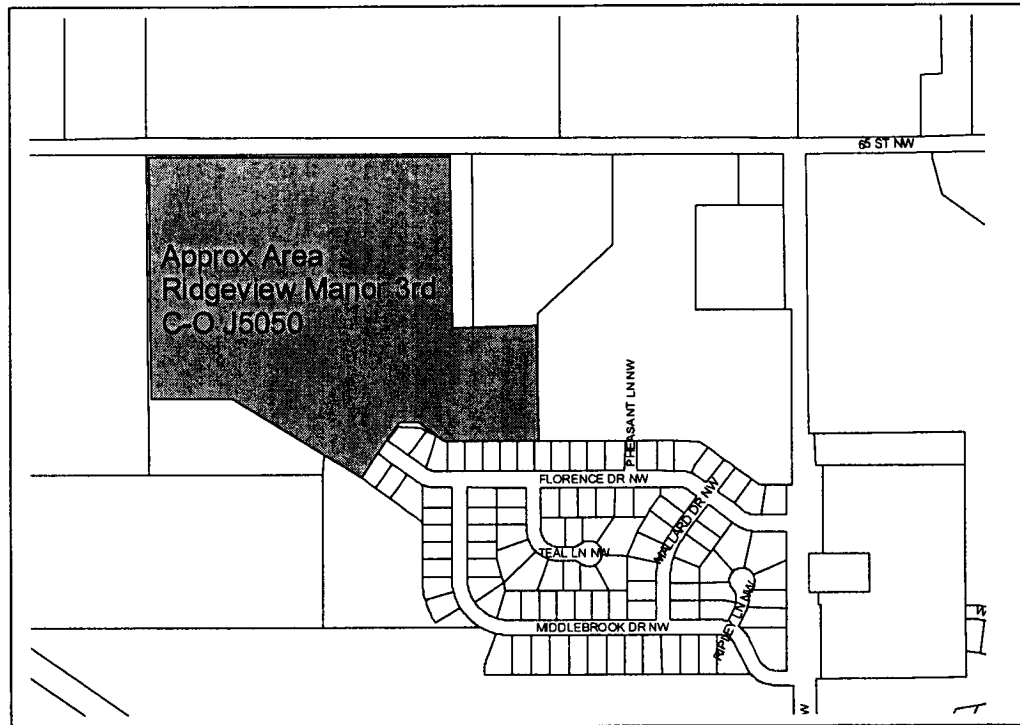
AGENDA SECTION:
CONSENT AGENDA**ORIGINATING DEPT:**
Public Works**ITEM NO.**

D-23

ITEM DESCRIPTION: Owner Contract – Basic Construction in Ridgeview Manor Third - J5050**PREPARED BY:** M. Baker

Staff would offer the following Owner Contract project for consideration by the Council:

BBB Development LLC (Owner) & Griffin Construction Co. LLP (Contractor) are requesting a City / Owner Contract J5050, consisting of "Basic Construction in Ridgeview Manor Third".

**COUNCIL ACTION REQUESTED:**

Adopt a Resolution authorizing the Mayor and City Clerk to execute the City / Owner Contract for J5050 "Basic Construction in Ridgeview Manor Third".

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING

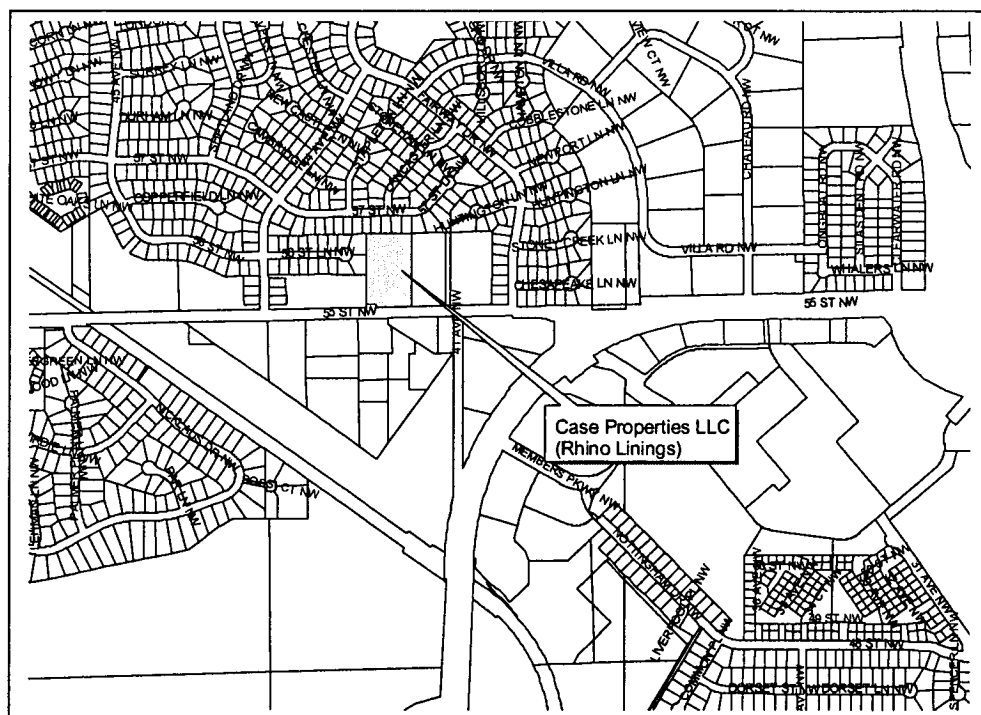
DATE: 7/7/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-24
ITEM DESCRIPTION: Utility Connection, Pedestrian Facility & Street Reconstruction Agreement – Case Properties, LLC (dba Rhino Linings)		PREPARED BY: M. Baker

Staff would offer the following Utility Connection, Pedestrian Facility & Street Reconstruction Agreement for consideration by the Council:

- Case Properties, LLC, is the Owner of real property described by metes and bounds as part of the W ½ of the SE 1/4., Section 8, Township 107 North, Range 14 West, in the City of Rochester, Olmsted County, Minnesota. The Owner has applied for a Non-Conforming Use Permit #02-61, for a change of use on the Property to allow the operation of Rhino Linings from the Property. As conditioned in the approval of the Non-conforming Use Permit, the Owner has requested that a Utility Connection, Pedestrian Facility & Street Reconstruction Agreement be approved to address its future obligations on the Property.



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute a Utility Connection, Pedestrian Facility & Street Reconstruction Agreement with Case Properties, LLC.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

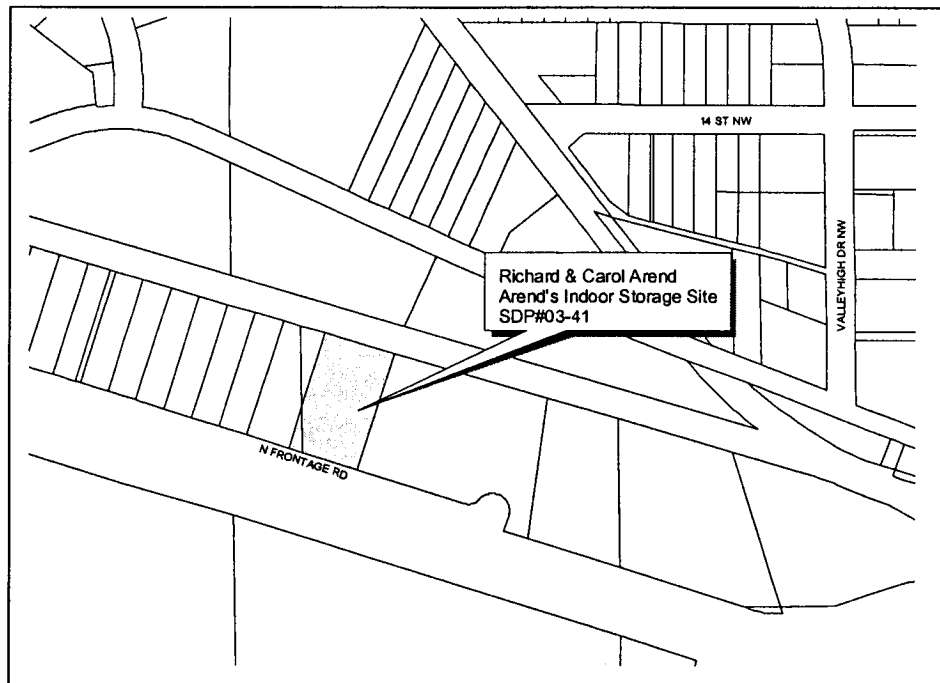
DATE: 7/7/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-25
ITEM DESCRIPTION: Pedestrian Facilities Agreement – Richard R. & Carol M. Arend, for Arend's Indoor Storage (SDP#03-41)		PREPARED BY: M. Baker

Staff would offer the following Pedestrian Facility Agreement for consideration by the Council:

- Richard R. & Carol M. Arend are the Owners of real property lying southeast of Arend's Industrial Park First Subdivision, and north of the T.H. 14 North Frontage Road. The Owners have requested approval of a Site Development Plan (SDP#03-41) to develop the property with an indoor storage facility, and as a condition of approval, have requested that a Pedestrian Facilities Agreement be approved to address their obligations for providing pedestrian facilities along the frontage of the Property abutting the T.H. 14 North Frontage Road.



COUNCIL ACTION REQUESTED:

Adopt a Resolution authorizing the Mayor and City Clerk to execute a Pedestrian Facilities Agreement with Richard R. & Carol M. Arend, for Arend's Indoor Storage (SDP#03-41).

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

27

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

7/7/03

11

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-26
ITEM DESCRIPTION: STORMWATER MANAGEMENT AGREEMENTS		PREPARED BY: M. Baker

The Department of Public Works has received a request for eight (8) properties, to voluntarily participate in the City's Regional Storm Water Management Plan (SWMP). This department has reviewed the information for these properties and has determined that there is support for participation. The Owners have requested voluntary participation in the City's Plan, with the applicable participation fees as follows:

Stopped here

- Schoeppner, Inc. (Lot 10, Block 2, Airport Industrial Park)
(SDP#02-79) \$ 8,768.30
- AFM Surfaces, Inc (Lot 2, Block 1, Eastgate Commercial Park)
(SDP#03-17) \$ 2,569.18
- Arend's Indoor Storage 2301 Hwy 14 West (Ricana Development Inc.)
(SDP#03-41) \$ 5,338.97
- Hiller Store, Inc. (Hiller Home Center Warehouse Addition)
(SDP#03-37) \$ 1,331.26
- Gold Cross Ambulance Facility (Lot 5, Block 2, L.C. Industrial Park)
(SDP#03-34) \$ 4,994.38
- Parco, LTD (Wendy's North – Parking Expansion)
(SDP#03-14) \$ 566.65
- Queen City Construction Building Addition (4200 St Bridget Rd SE)
(SDP#03-38) \$ 3,477.88
- Grass Roots Lawn Care (Lot 2, Block 1, New River Subdivision)
(SDP#03-43) \$ 2,543.52

The Owners have already provided payment for their respective charges. These funds will be deposited upon acceptance by the Council for the properties to participate in the City's Plan.

COUNCIL ACTION REQUESTED:

Adopt a Resolution accepting voluntary participation by the above noted properties, in the City's Regional Storm Water Management Plan (SWMP).

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING

DATE:

7/7/03

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AGENDA SECTION:

Consent Agenda

ORIGINATING DEPT:

Public Works

ITEM NO.

D-27

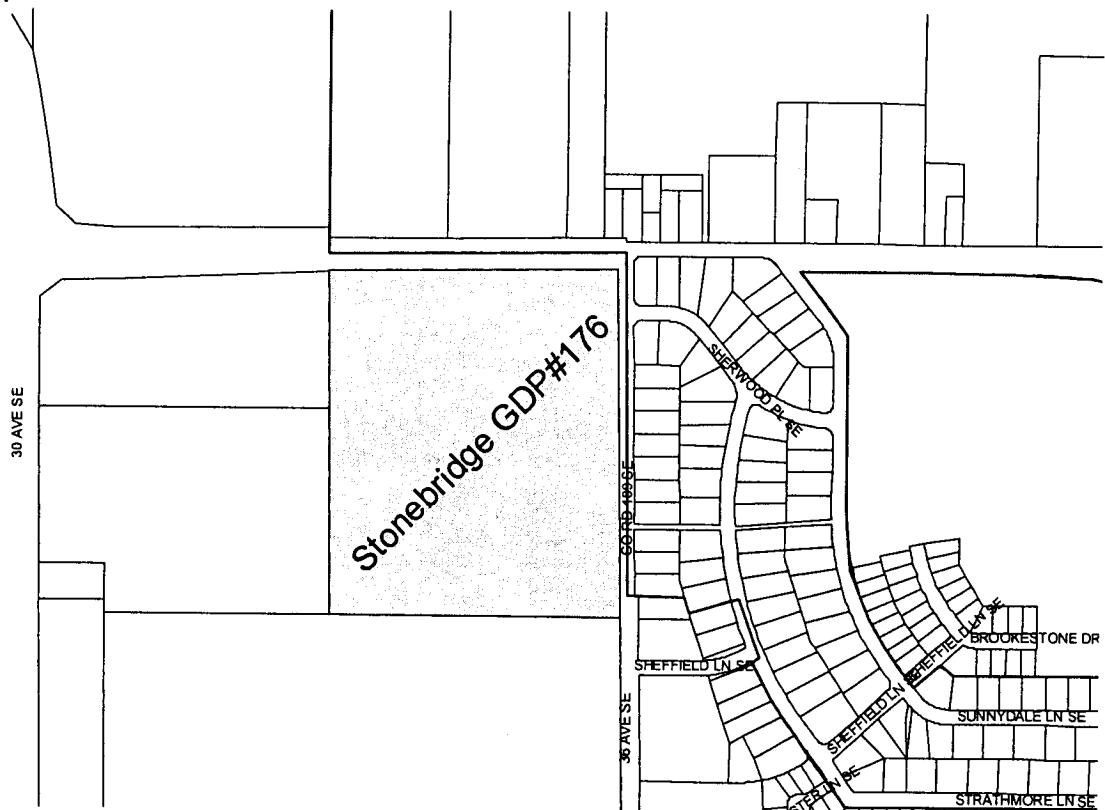
ITEM DESCRIPTION: Development Agreement – Stonebridge**PREPARED BY:**

M. Baker

Exemplar, Inc. Money Purchase Pension Plan, a Minnesota Trust is the Developer of real property in the City of Rochester known as Stonebridge GDP#176. The Owner and City Staff have had discussions relating to the development of the property and proposed improvements to the surrounding infrastructure. Based on the discussions, the content for a Development Agreement has been decided and a document has been created. The major items covered in the Agreement include the following:

- Traffic improvements/management including: Roadway Construction, right of way dedication, controlled access, and traffic signage.
- Pedestrian Facilities within and along the development.
- Payment of development/connection related charges including SAC, WAC, utility connection charges, roadway improvements, Parkland, and storm water management.

Staff recommends the Council approve the Development Agreement, which the Owner has already executed.

**COUNCIL ACTION REQUESTED:**

Authorize the Mayor and City Clerk to execute the Development Agreement with Exemplar, Inc. Money Purchase Pension Plan, a Minnesota Trust.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 07/07/03

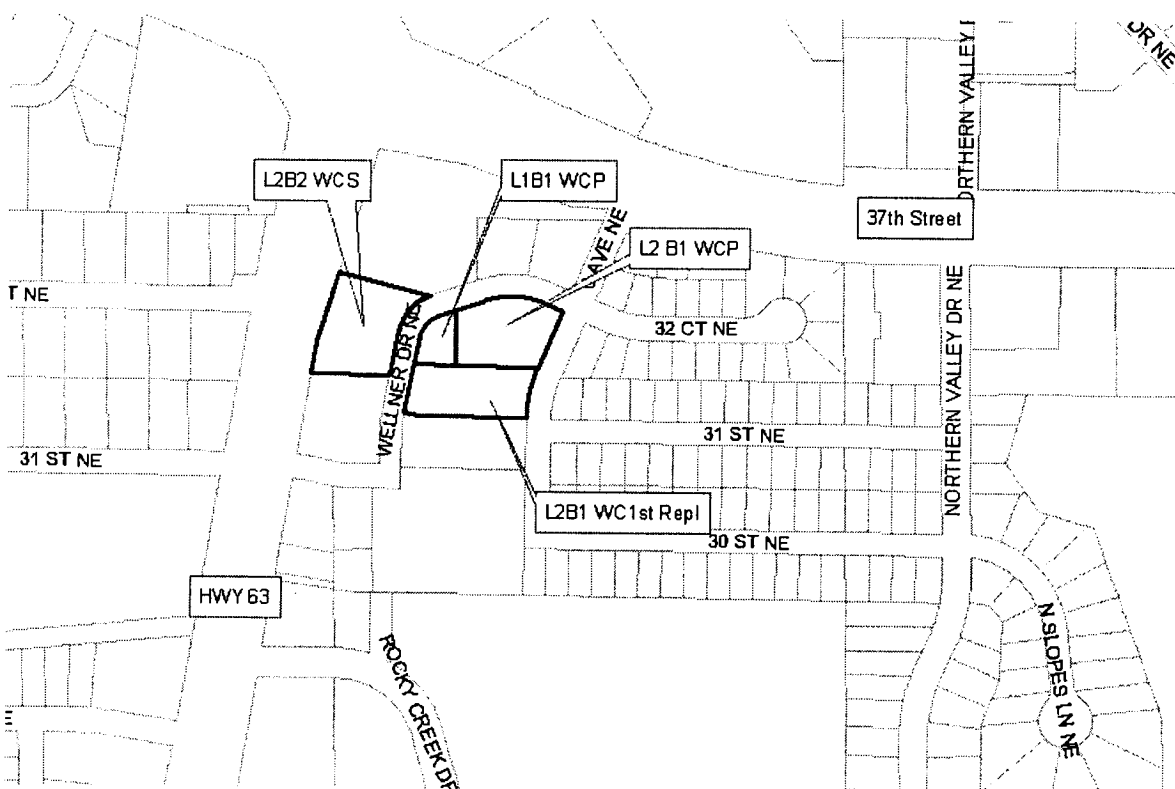
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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-28
ITEM DESCRIPTION: Assessment Agreements for payment of roadway infrastructure for Wellner Drive J9546	PREPARED BY: M. Nigbur	

Staff is closing out the Wellner Drive roadway project located East of HWY 63 North and Rocky Creek Drive. Part of the close out procedures is to finalize project cost and allocate to the abutting Owners. Staff has reviewed the cost breakdown and has calculated the Owner's share of the project cost. Several Owners have paid the cost already and several other owners of elected to pay their share over 5 year period. Staff has developed an assessment agreement and remaining owners have executed the documents. The following Owners have executed their agreements:

- Lot 1 Block 1 West Century Plaza – West Century Plaza Three LLC - \$13,468.78
- Lot 2 Block 1 West Century Plaza – West Century Plaza Two LLC - \$49,248.79
- Lot 2 Block 2 West Century Subdivision– GAC AL Development LLC - \$61,361.50
- Lot 2 Block 1 West Century 1st Replat – L & R Properties LLC - \$50,118.45

Staff recommends the Council execute the Assessment Agreements for the above property owners.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the assessment agreements for J 9546 on the above referenced properties.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

82

REQUEST FOR COUNCIL ACTION

MEETING

83 ✓

DATE:

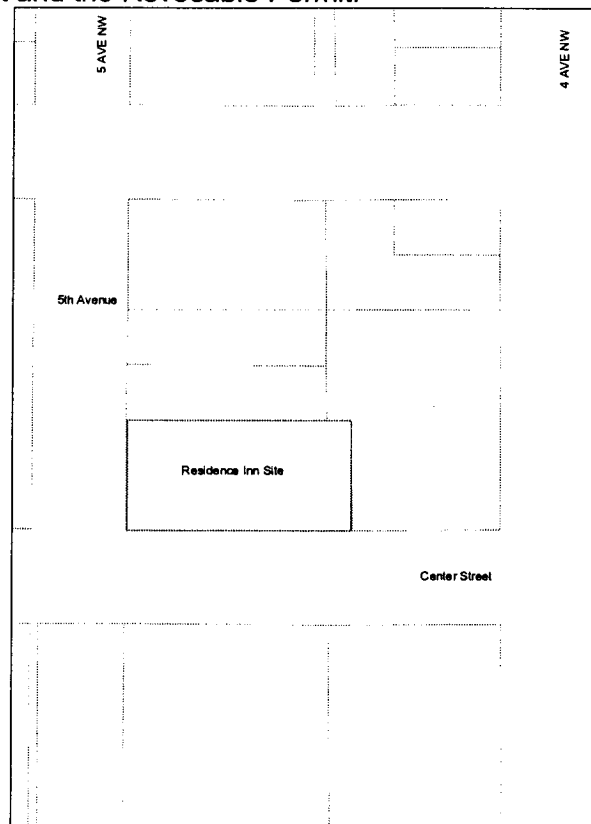
07/07/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-29
ITEM DESCRIPTION: Development Agreement & Revocable Permit – Residence Inn 441 West Center Street NW.		PREPARED BY: M. Nigbur

The Owners of the Residence Inn Hotel property and the City Staff have had discussions relating to impacts on the public infrastructure resulting from the development of the Property. Based on the discussions, the content for a development agreement has been decided and a document has been created. The major items covered in the agreement include the following:

- Storm Water Management
- Traffic Improvements: controlled access dedication, traffic control signs, and parking bay construction.
- Execution of a Revocable Permit for: canopies extending 72 inches into the ROW, construction of the Parking Bay, and sidewalk heating elements
- Owner's payment of the development related charges including Storm Water Management, Sanitary Sewer Availability, Water Availability, parkland dedication and Transportation Improvement District charges.

Staff recommends the Council approve the Development Agreement. The developers have executed the Development Agreement and the Revocable Permit.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Residence Inn Development Agreement and the Revocable Permit with Sunstone Hotel Investors LLC.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

07/07/03

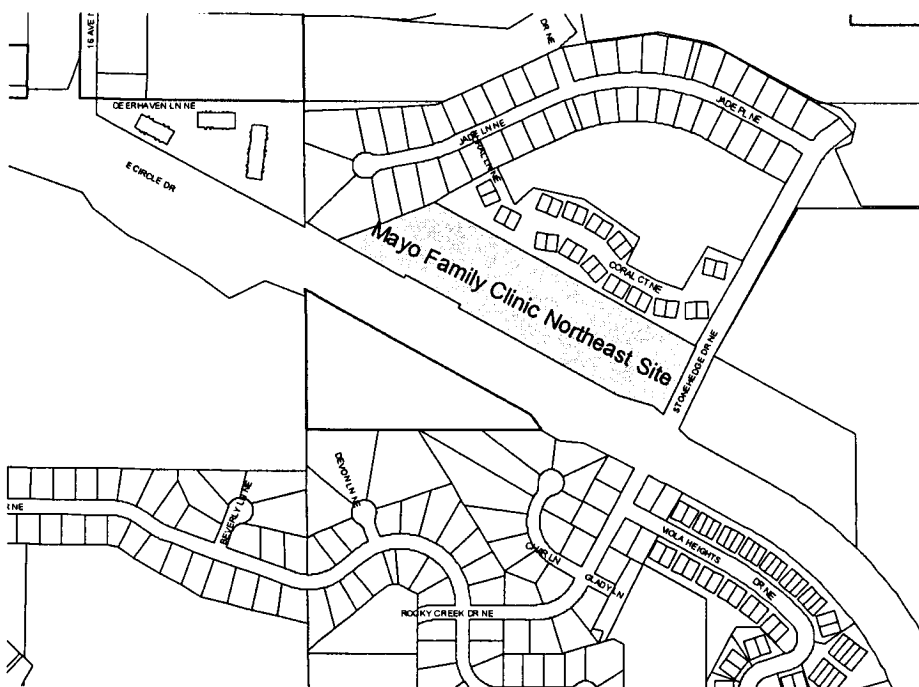
85-

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-30
ITEM DESCRIPTION: Development Agreement & Revocable Permit – Mayo Family Clinic NE		PREPARED BY: <i>on</i> <i>mt</i> M. Nigbur <i>mt</i>

The Owners of the Mayo Family Clinic NE property and the City Staff have had discussions relating to impacts on the public infrastructure resulting from the development of the Property. Based on the discussions, the content for a development agreement has been decided and a document has been created. The major items covered in the agreement include the following:

- Storm Water Management
- Traffic Improvements: controlled access dedication, traffic control signs, and abutting roadway improvements.
- Owner's payment of the development related charges including Storm Water Management, Sanitary Sewer Availability, Water Availability, parkland dedication and Transportation Improvement District charges.

Staff recommends the Council approve the Development Agreement. The Owners have executed the Development Agreement.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Mayo Family Clinic NE Development Agreement with Mayo Clinic Rochester.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

22

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

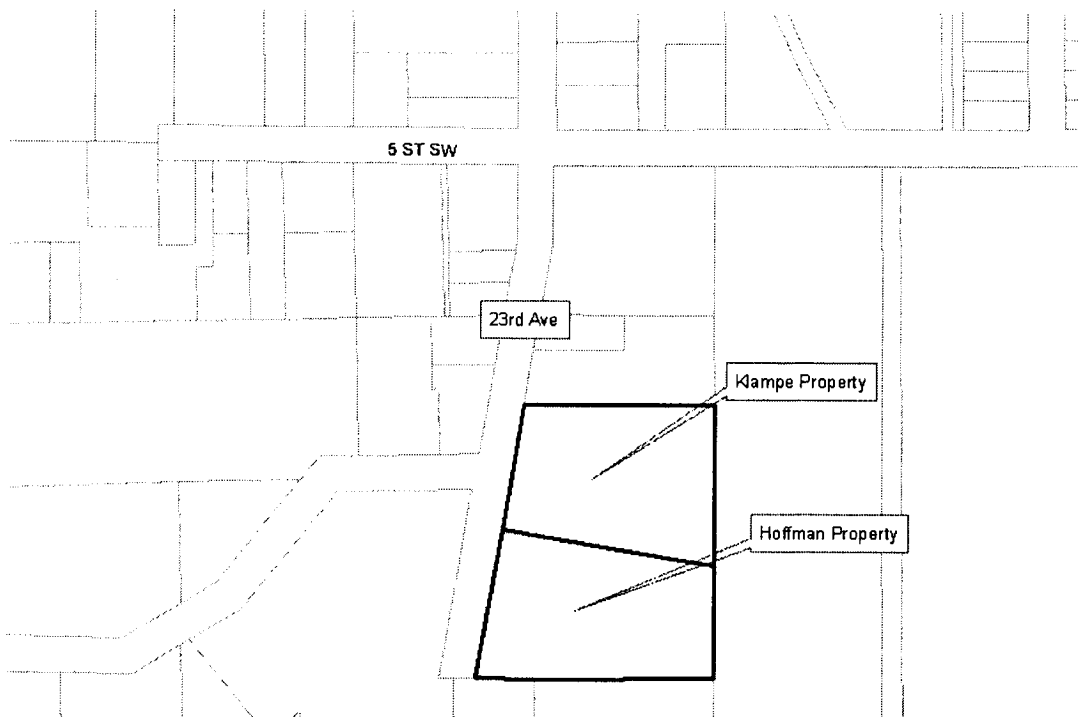
7/7/03

87

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-31
ITEM DESCRIPTION: Real Estate – Settlement for Right of Way Acquisition for 23 rd Avenue SW - J9714		PREPARED BY: M. Nigbur

City has designed and is in the process of bidding the construction of 23rd Avenue SW. The City staff pursued acquisition of the needed area of property using the state acquisition requirements. Based on the continued negotiations between the City and several owners, a preliminary settlement has been reached.

- The City will pay Mr. Hoffman \$2,000.00 for the acquisition of a temporary and permanent easement on his property. This total payment includes an allocation of \$500.00 for appraisal reimbursement.
- The City will pay Mr. Klampe \$1500.00 for the acquisition of a temporary and permanent easement on his property. This total payment includes an allocation of \$500.00 for appraisal reimbursement.



COUNCIL ACTION REQUESTED:

Authorize Staff to complete the acquisition for a portion of the Hoffman and Klampe properties.

COUNCIL ACTION: Motion by: _____ Second by: _____ to:

22

REQUEST FOR COUNCIL ACTION

MEETING **89**

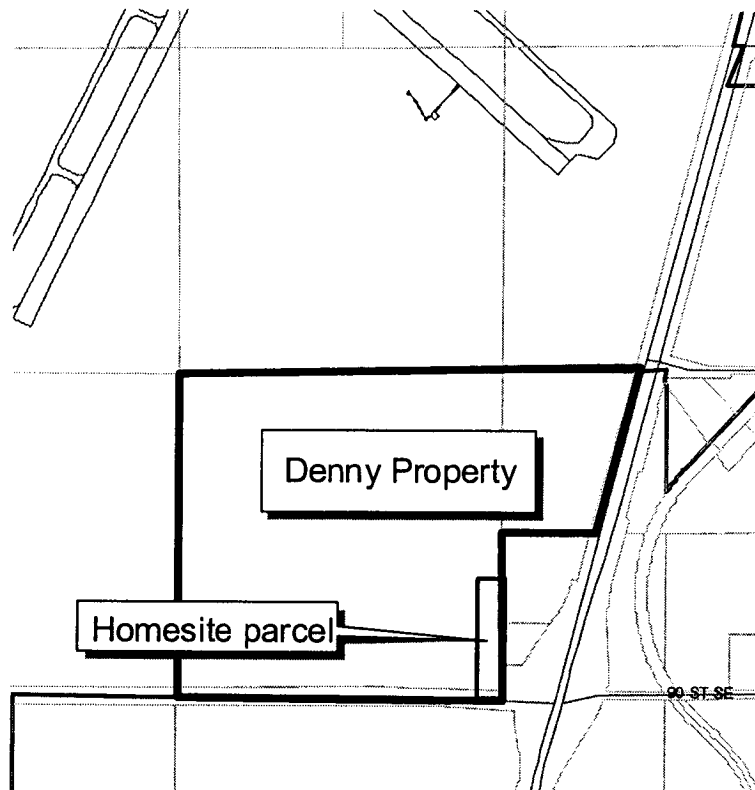
DATE:

07/07/03

AGENDA SECTION:
CONSENT AGENDA**ORIGINATING DEPT:**
Public Works**ITEM NO.****D-32****ITEM DESCRIPTION:** Real Estate – Acquisition for the future Airport expansion – J6911**PREPARED BY:** *mn*
mt M. Nigbur *mn*

As part of the City's Airport Layout Plan properties have been identified for future acquisition for airport operations. One the property owner's identified on this plan has approached the City to acquire the majority of the property (183 of 189 acres). City Staff reviewed the property and negotiated a purchase agreement with the Owner. Based on the continued negotiations between the City and the Owner a preliminary settlement has been reached. The terms of the acquisition include:

- payment of \$400,000.00,
- survey/subdivision of the property to create the parcel the Seller is retaining.
- Payment of closing / recording costs.

**COUNCIL ACTION REQUESTED:**

- Authorize the Mayor and City Clerk to execute the acquisition agreement and allow City staff to accept the Deed for the property from the Denny Family.
- Adopt a resolution accepting the MnDot State Aid agreement for 60% of the cost for the property

Note: The city portion will be paid from Airport reserve funds.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: *7/2/03*

2

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

 91 ✓
7-7-03

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-33

ITEM

DESCRIPTION:

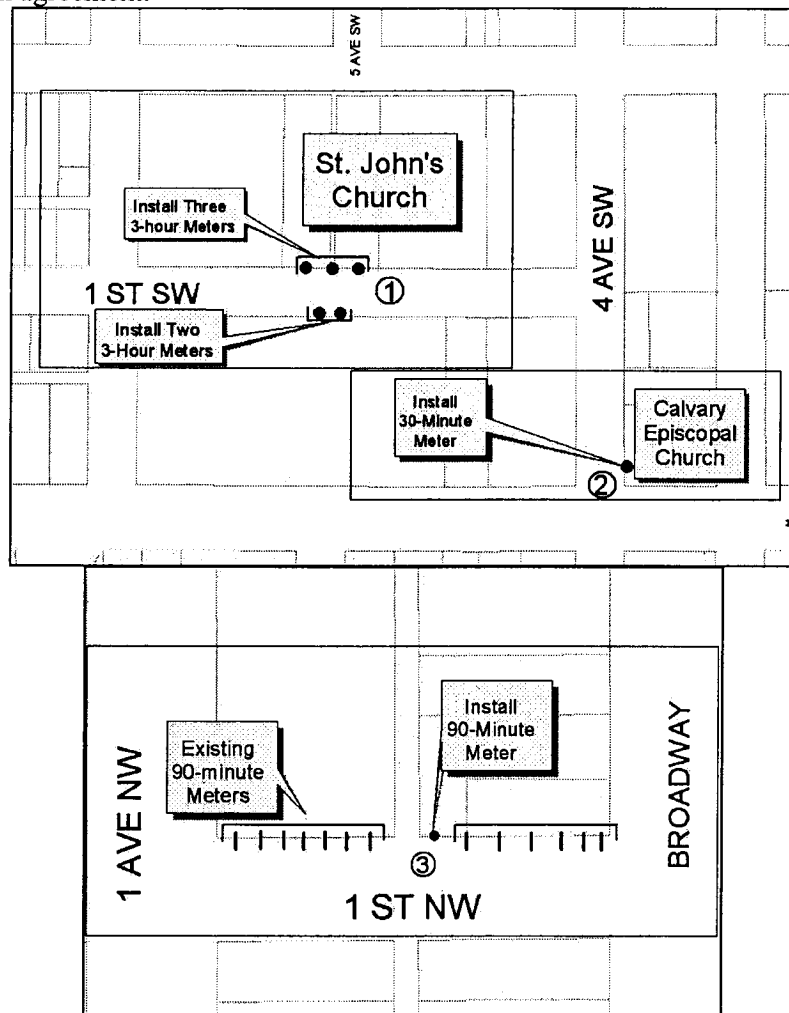
 Parking Meter Installations- 1st St. SW/ 500 block, 4th Ave SW/ 100 block (East side), and 1st St. NW/ 10 block.

PREPARED BY:

S. Beecham 92

This is a recommendation to add the following parking meters in the downtown area.

- 1.) 1st Street SW/ 500 block: Add two 3-hour parking meters on the south side (Mayo) and three 3-hour on the north side (St. John's Church) where a previous crosswalk existed that is no longer in use. Adjacent property owners are in agreement with this request. Remove current "No Parking" restriction.
- 2.) 4th Avenue SW/100 block (east side): Add one 30-minute parking meter where previously existed a Post Office box that will not be replaced, in front of Calvary Episcopal Church. The church concurs with this request.
- 3.) 1st Street NW/ 10 block: Install one 90-minute meter. Remove current "No Parking" restriction. Abutting property owner is in agreement.



REQUESTED COUNCIL ACTION:

Adopt the prepared resolution authorizing the following changes:

1. Add paragraph (2.5) to Section I, Zone G, 3-Hour Meters, to read:
(2.5) 1st Street SW, on the 500 block, two meters on the south side and three meters on the north side.
2. Add paragraph (23) to Section I, Zone C: 30-Minute Meters, to read:
(23) 4th Avenue SW, on the 100 block, east side, in front of the premise known as Calvary Episcopal Church.
3. Add paragraph (9) to Section I, Zone E, 90-Minute Meters, to read:
(9) 1st Street NW, on the 10 block, reinstall meter #31.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING

93 ✓

DATE:

7-7-03

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-34

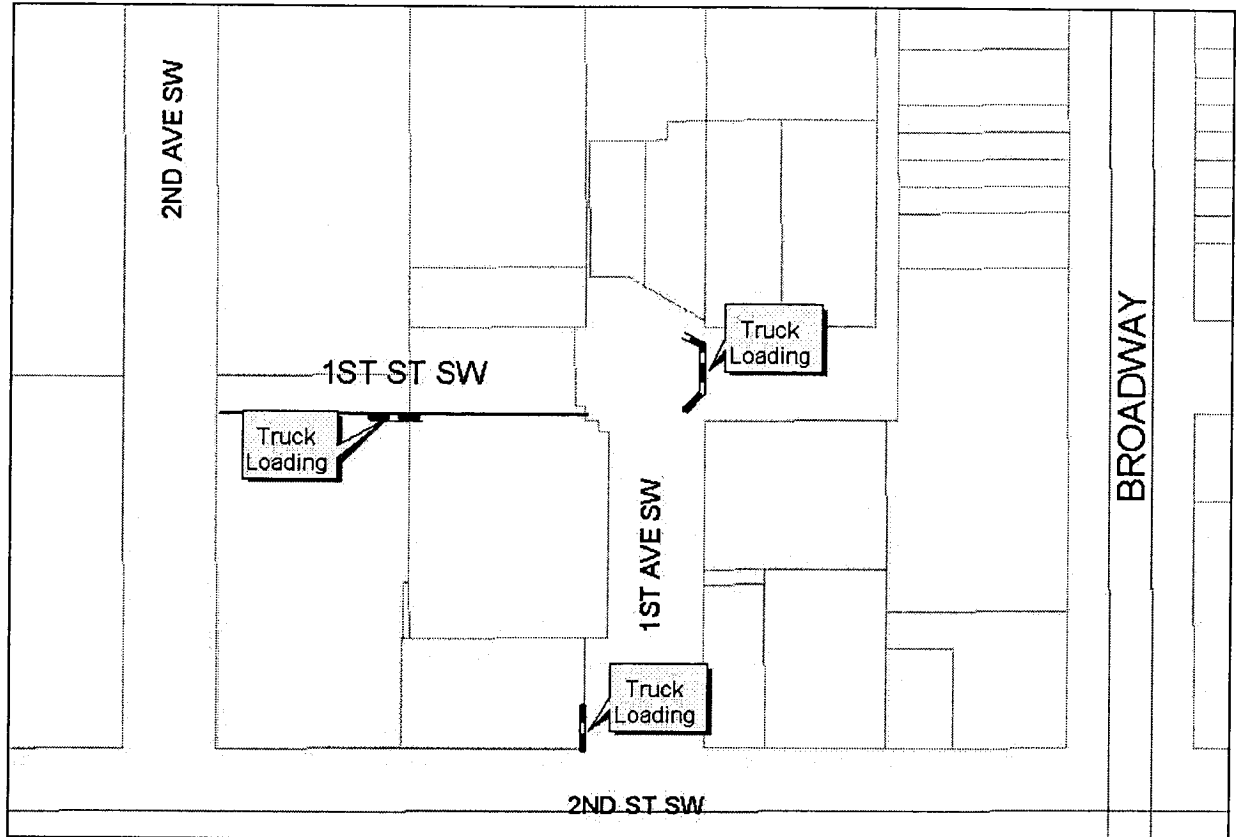
ITEM DESCRIPTION:Truck Loading Zone Specifications- 1st Ave SW & 1st St. SW**PREPARED BY:**

S. Beecham

This is a recommendation to add the following restrictions to the existing Truck Loading zones on First Street SW and First Avenue SW, as requested by the Police Department.

Truck loading zones in these areas should have the following three restrictions added to the signs:

- 1.) TIME LIMIT: 15 minutes
- 2.) ENFORCEMENT DAYS: Monday through Saturday
- 3.) ENFORCEMENT TIMES: 6 AM- 6 PM



REQUESTED COUNCIL ACTION: Adopt the prepared resolution revising the following resolutions in the Comprehensive Traffic & Parking Resolution Book:

1. Revise paragraphs (11), (12.5), and (14) of Section D, "Truck Loading Zones", to read:
 - (11) First Street SW, on the 100 block, on the south side of the street, one space, Monday through Saturday, 6 AM to 6 PM, 15-minute limit.
 - (12.5) First Avenue SW, on the east side, between the 10 block and the 100 block, 30 feet more or less of the indented area adjacent to the Peace Plaza, Monday through Saturday, 6 AM to 6 PM, 15-minute limit.
 - (14) First Ave SW, on the 100 block, on the west side of the street, Monday through Saturday, 6 AM to 6 PM, 15-minute limit.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

OK

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 7/7/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-35
ITEM DESCRIPTION: Award of Contract: Sanitary Sewer and Watermain Portions of Section 8&9 Rochester Township, 7717		PREPARED BY: J. Loehr

Bids were open after 11:00 AM on June 19, 2003 for the following project:

Project No. M2-65, J7717

"Sanitary Sewer and Watermain Extension Adjacent to Salem Road SW to Serve Portions of Section 8 & 9 in Rochester Township."

The following bids were received:

A-1 Excavating	\$275,631.00	Low Bid
Heseltan Construction	\$286,945.20	
Elcor Construction	\$297,480.50	
Road Constructors	\$419,846.00	
Engineer's Estimate	\$327,423.00	

The Feasibility Report proposes that the project be funded through Development and/or Contribution Agreements between the City of Rochester and the three petitioners of the project, from RPU for oversize watermain and two Salem Road watermain crossing costs, and Storm Water Management Fees to lower an existing 42" storm sewer.

The execution of two separate Development Agreements and one Contribution Agreement between the City and the three petitioners of the project is required prior to the award of bids for the project.

Payment of 50% of the estimated charges for the First Baptist Church and RC Carlsen properties are required when the project is 50% completed. Payment of the balance of the actual charges for these properties is required after the project is completed and the final project quantities and costs have been determined.

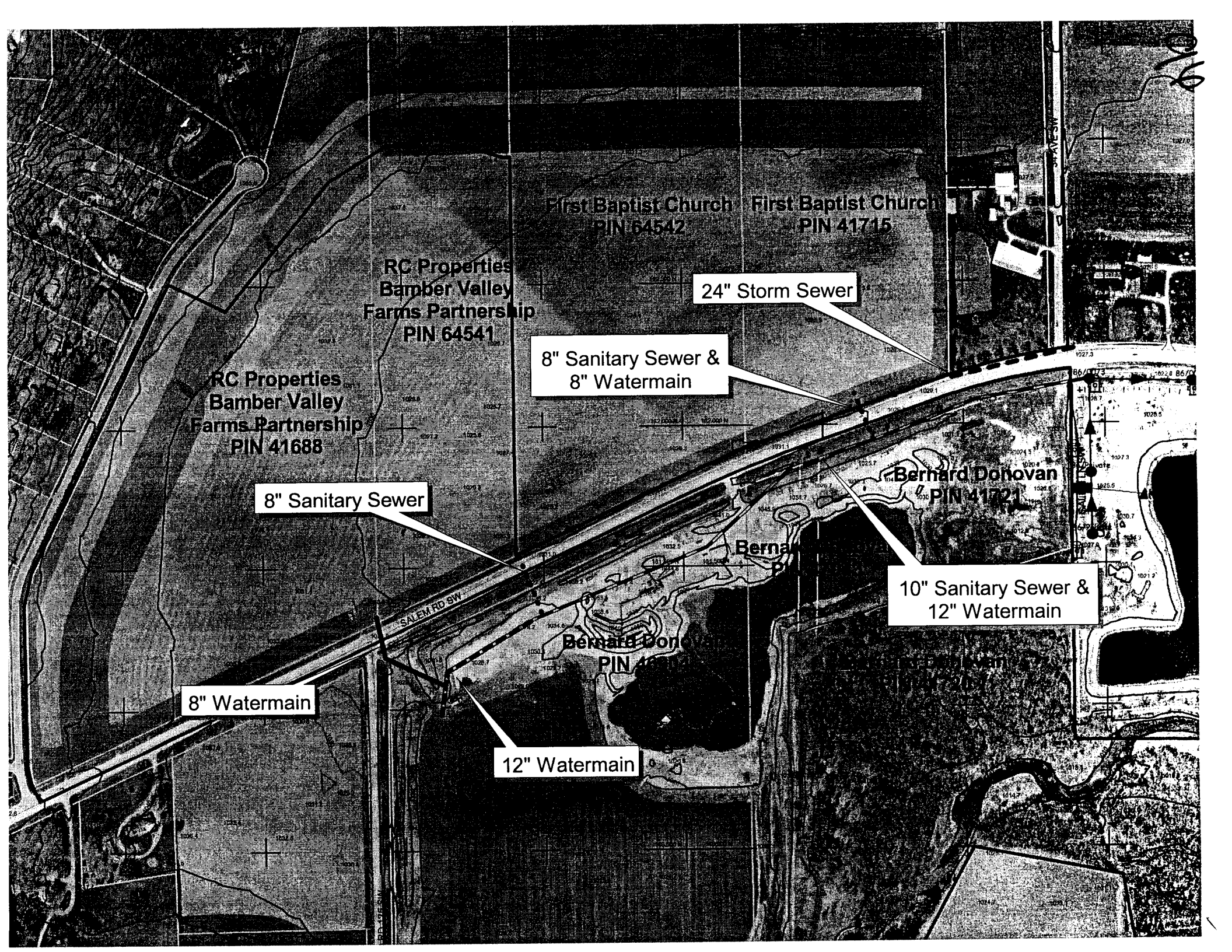
Payment of the charges for the Bernard Donovan property is required when the property is developed, but no later than December 1, 2013. Interest will be charged at 7.5% simple interest from the date that the initial assessment roll for the project is adopted to the date that the charges and accrued interest attributable to the property are paid in full.

COUNCIL ACTION REQUESTED:

If the City Council wishes to proceed a resolution could be adopted awarding the contract to A-1 Excavating.

Attachment: Project Location Map

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____



REQUEST FOR COUNCIL ACTION

MEETING

DATE:

7/7/03

97-

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-36
ITEM DESCRIPTION: Contribution Agreements: Sanitary Sewer and Watermain to Serve Portions of Section 8&9 of Rochester Township, J7717		PREPARED BY: J. Loehr

On December 16, 2002 the City Council accepted a Feasibility Report for the following local improvement project:

Project No. M2-65, J7717**"Sanitary Sewer and Watermain Extension Adjacent to Salem Road SW to Serve Portions of Section 8 & 9 in Rochester Township."**

The Feasibility Report requires that the three petitioners for the project RC Carlsen Properties, First Baptist Church and Bernard Donovan enter into Development/Contribution Agreements with the City prior to the award of contract for project J7717.

RC Carlsen Properties previously entered into a Development Agreement with the City. Payment of 50% of the estimated charges for RC Carlsen Properties is required when the project is 50% completed. Payment of the balance of the actual charges for the property is required after the project is completed and the final project quantities and costs have been determined.

Two separate Contribution Agreements are prepared between First Baptist Church, Bernard Donovan and the City.

Payment of 50% of the estimated charges for First Baptist Church is required when the project is 50% completed. Payment of the balance of the actual charges for the property is required after the project is completed and the final project quantities and costs have been determined.

Payment of the charges for the Bernard Donovan property is required when the property is developed, but no later than December 1, 2013. Interest will be charged at 7.5% simple interest from the date that the initial assessment roll for the project is adopted to the date that the charges and accrued interest attributable to the property are paid in full.

The award of contract for project J7717 is scheduled for July 7, 2003. Approval and execution of Contribution Agreements for project J7717 is appropriate at this time.

COUNCIL ACTION REQUESTED:

1. Authorize the Mayor and City Clerk to enter into the Contribution Agreements for project J7717.

Attachments: Contribution Agreements

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

99 -
7/7/03

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-37
ITEM DESCRIPTION: Construction Engineering Service Proposal: Sewer and Water to Serve Portions of Section 8&9 in Rochester Township, J7717		PREPARED BY: J. Loehr
<p>This is a proposal by McGhie & Betts, Inc. to provide Construction Engineering Services for the following local improvement project:</p> <p><u>Project No. M2-65, J7717</u> "Sanitary Sewer and Watermain Extension Adjacent to Salem Road SW to Serve Portions of Section 8 & 9 in Rochester Township."</p> <p>McGhie & Betts is recommended to perform the Construction Engineering Services for the project since they performed the Design Engineering Services for the project and are familiar with the project, and McGhie & Betts is capable of performing the desired level of engineering required to construct the project.</p> <p>The Construction Engineering Services is estimated at \$29,320.00. The estimate is based on an hourly, not to exceed basis per the Schedule of Hourly Rates and Charges provided to the City of Rochester with McGhie & Betts Design Engineering Service proposal.</p> <p>The award of contract for project J7717 is scheduled for the City Council meeting of July 7, 2003. Approval of a Construction Engineering Service Agreement is appropriate at this time.</p> <p>COUNCIL ACTION REQUESTED:</p> <p>1. Adopt a resolution authorizing the execution of an Engineering Service Agreement with McGhie & Betts, Inc. to provide Construction Engineering Services for project J7717 based on an hourly, not to exceed basis of \$29,320.00.</p> <p>Attachment: McGhie & Betts, Inc. Letter of Proposal</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

100

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

101
7/7/03**AGENDA SECTION:**

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-38

ITEM DESCRIPTION:

Feasibility Report for the Silver Creek Sub-trunkline Sanitary Sewer, J7703

PREPARED BY:

J. Loehr wlf

This is the Feasibility Report for the construction of a sub-trunkline sanitary sewer to serve portions of sewer service area 24 in a project described as follows:

Project No. M2-13, J7703**"Silver Creek Sub-trunkline Sanitary Sewer to Serve Portions of Sewer Service Area 24 in Haverhill Township."**

The estimated construction costs and expense of this project are as follows:

Sanitary Sewer	\$ 393,735
Erosion Control	20,000
Restoration	22,000
Sub-Total	\$ 435,735
Engineering/Interest/Contingencies	130,721
Sub-total w/ EI&C	\$ 487,240
Easements	150,000
Estimated Project Cost and Expense	\$ 716,456

Project Funding Sources

The Feasibility Report proposes that the project be funded from Development and/or Contribution Agreements between the City of Rochester and the petitioners of the project (the petitioners estimated charges represent 81.0% of the estimated project cost), and from future Sewer Availability Charges for the construction of the project and future sanitary sewer connection charges, from owner's of other undeveloped properties that are served by the project, that did not petition for the project.

The petitioners of the project Arcon Development and Roger Payne will be required to enter into Development and/or Contribution Agreements prior to the advertisement of bids for the project.

Payment of 50% of the estimated charges for the Arcon Development and Roger Payne properties are required when the project is 50% completed. Payment of the balance of the actual charges for these properties is required after the project is completed and the final project quantities and costs have been determined.

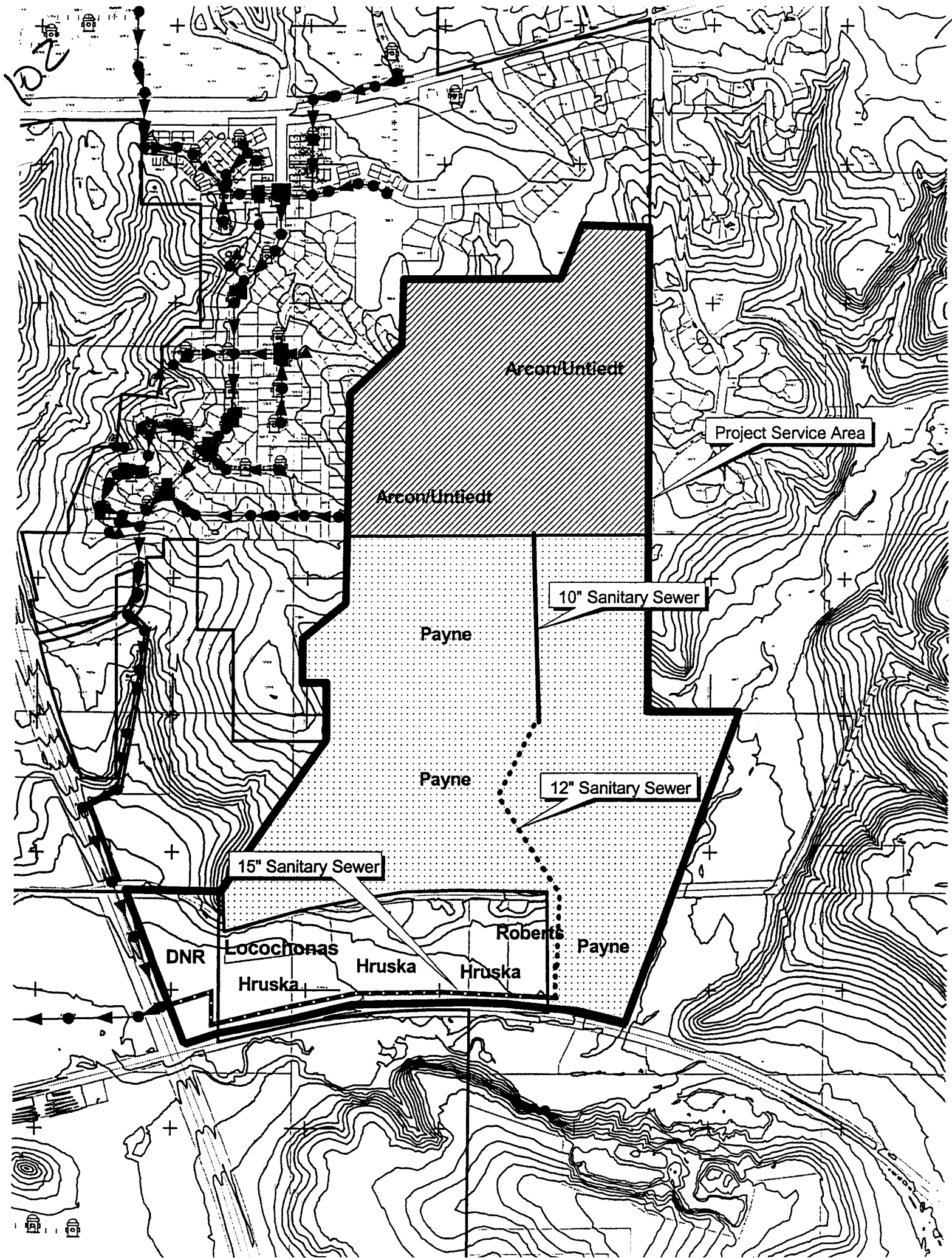
The Rochester Olmsted Planning Department has reviewed the petition and Feasibility Report. The Planning Department indicates that the property is within the Urban Service Area for the City on the Olmsted County Future land Use Map, and that any development along Silver Creek will require floodplain modeling and identification of the floodplain.

COUNCIL ACTION REQUESTED:

1. Adopt a resolution accepting the Feasibility Report.

Attachments: Feasibility Report
Project Location Map

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____



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REPORT ON THE FEASIBILITY OF PROPOSED LOCAL IMPROVEMENT PROJECT

Sanitary Sewer Extension to Serve Portions of Sewer Service Area 24 in Haverhill Township,
Specifically Sewer Service Area 24A & 24-B1 to Serve the Southern Portions
of Shannon Oaks and Century Hills Subd.

Honorable Mayor & Common Council
City of Rochester, Minnesota

A petition for sanitary sewer was forwarded by the City Council at their meeting of April 1, 2002 to the Public Works Department for the preparation of a Feasibility Report. Yaggy Colby Associates filed the petition on behalf of Roger Payne for the Century Hills development and Arcon Development / Mr. Donald Untiedt for the Shannon Oaks development. The petition was checked and found to be in proper form.

Feasibility Report

We report that the above referenced project is feasible and recommend its construction provided that the two petitioners enter into Development and/or Contribution Agreements with the City prior to the preparation of plans and specifications for the project.

The costs for this project are proposed to be recovered through Development and/or Contribution Agreements and future connection charges.

Scope of Project

The proposed project consists of the extension of a 15" sanitary sewer from an existing 18" sanitary sewer main that is located on the east side of East Circle Drive NE approximately 350 feet north of the DM&E Railroad. The extension of this sanitary sewer will provide sewer service to the petitioner's property located in Sewer Service Area (SSA) 24A and 24-B1. A 30" sanitary sewer extension from the existing 18" sanitary sewer would be necessary to provide sanitary sewer to serve the balance of SSA 24 that consists of approximately 9,500 acres.

Availability of Trunkline Sanitary Sewer

The existing 18" trunkline sewer has sufficient capacity available to serve SSA 24A and 24-B1.

Availability of Trunk Watermain and Water Towers

The properties can be served by the existing trunk water distribution system and water tower, therefore the construction and/or extension of trunk watermain or water towers is not required. The extension of watermain within each development is required by the developers to ensure that adequate water pressure and volume of water is available to serve the domestic and fire protection needs of the developments.

Estimated Construction Cost and Expense of the Project

Sanitary Sewer	\$393,735
Erosion Control	\$ 20,000
Restoration	\$ 22,000
Sub-total	\$435,735
Engineering, Interest & Contingencies (estimated at 30%)	+130,721
Sub-total w/ estimated 30% EIC	\$566,456
Temporary Construction and Permanent Easements	\$150,000
Estimated Project Construction Cost and Expense	\$716,456

104

Project Funding Sources

Sanitary Sewer Connection Charge

Direct connection into the 15", 12" and 10" sanitary sewer mains will be permitted. Since the 15" sanitary sewer will be constructed on the south edge of the Hruska, Roberts and Payne properties each of these properties is subject to a sanitary sewer connection charge for 15" sanitary sewer main across their respective property.

The Sanitary Sewer Connection Charge Rate for 2003 is \$45.07 per foot.

Sanitary Sewer Centerline Foot Charge

The 10" and 12" sewer mains will be constructed in future roadways and/or easements consistent with the alignments in the development plans for the Payne property. The Payne property is subject to a sanitary sewer centerline foot charge for an 8" equivalent sanitary sewer main based on the actual cost of design, construction and inspection for 12" and 10" sanitary sewer across the property.

The Estimated Sanitary Sewer Centerline Foot Charge is \$61.00 per Centerline Foot.

The proposed project does not include the extension of sanitary sewer in the Arcon/Untiedt property. Therefore, the Arcon/Untiedt property is not subject to a sanitary sewer connection charge or a sanitary sewer centerline foot charge for the construction of this project.

Estimated Charges for Sanitary Sewer Connection Charge

Property Owner	Feet	Rate/ft.	Amount
Hruska	2,180	\$45.07	\$ 98,252
Roberts	290	\$45.07	\$ 13,070
Payne	250	\$45.07	\$ 11,268
Sanitary Sewer Centerline Foot Charge	2,720	\$45.07	\$122,590

Estimated Charges for Sanitary Sewer Centerline Foot Charge

Property Owner	Feet	Rate/ft.	Amount
Payne	3,730	\$61.00	\$227,530

Sewer Availability Charge for Construction (SACCON)

The balance of the project costs will be charged to the estimated 250 developable acres in the portion of SSA 24 being served by the project. The estimated project SAC for construction (SACCON) rate is calculated as follows:

Estimated Project Cost	\$716,456
Sanitary Sewer Centerline Foot and Connection Charges	-350,120
Estimated Project Cost for SACCON	\$366,336

$$\frac{\text{Estimated Project Cost for SACCON}}{\text{Estimated Developable Acres in Project Area}} = \frac{\$366,336}{250 \text{ acres}} = \$1,465.34/\text{acre}$$

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Estimated Sewer Availability Charge Rate for Construction (SACCON)

Property Owner	Estimated Developable Acres	Estimated Project SAC Rate/Acre	Estimated Project SAC
Hruska	13	\$1,465.34	\$ 19,049
Roberts	2	\$1,465.34	\$ 2,931
Locochonas	2	\$1,465.34	\$ 2,931
Payne	128	\$1,465.34	\$187,564
Arcon/Untiedt	105	\$1,465.34	\$153,861
Estimated Project SAC	250	\$1,465.34	\$366,336

Estimated Project Charges for the Payne Property

Sanitary Sewer Connection Charge	\$ 11,268
Sanitary Sewer Centerline Foot Charge	\$227,530
<u>SACCON</u>	<u>\$187,564</u>
Estimated Project Costs Attributable to the Payne Property	\$426,362

Estimated Project Charges for the Arcon/Untiedt Property

Sanitary Sewer Centerline Foot Charge	\$ -0-
<u>SACCON</u>	<u>\$153,861</u>
Estimated Project Costs Attributable to Arcon/Untiedt Property	\$153,861

Estimated Project Charges for the Payne and Arcon Properties **\$580,222**

Percentage of Estimated Project Costs for the Payne and Arcon Property $\frac{\$580,222}{\$716,456} = 81.0\%$

Each of the two petitioners for the project will be required to enter into Development and/or Contribution Agreements with the City prior to the preparation of plans and specifications for the project. The Agreements will require each property owner to pay their respective share of the project costs as follows:

Payne Property

Annexation of the property is required by September 30, 2003 and prior to the City Council initiating the advertisement of bids for construction of the project

Payment of 50% (\$213,181) of the estimated charges attributable to the Payne Property is required when construction of the project is 50% completed and within 30 days of written notice (invoice) by the City to Roger Payne for that payment.

The actual charges attributable to the Payne property will be determined after the project is completed and the final project quantities and costs are determined. Payment of the actual charges less \$213,181 is required within 30 days of written notice (invoice) by the City to Roger Payne for payment of the final share of the project costs.

Easements are required across the Payne property for the construction of this project. These easements must be dedicated to the City without cost by September 30, 2003.

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Arcon/Untiedt Property

Annexation of the property is required by September 30, 2003 and prior to the City Council initiating the advertisement of bids for construction of the project.

Payment of 50% (\$76,930.50) of the estimated charges attributable to the Arcon property is required when construction of the project is 50% completed and within 30 days of written notice (invoice) by the City to Arcon Development for that payment.

The actual charges attributable to the Arcon Property will be determined after the project is completed and the final project quantities and costs are determined. Payment of the actual charges less \$76,930.50 is required within 30 days of written notice (invoice) by the City to Arcon Development for payment of the final share of the project costs.

Easements and/or Right-of-Way Required for the Project

Easements through the Hruska and Roberts' properties will be necessary for the construction of this project. The City will seek dedication/acquire these easements. The costs of these easements will be added to the project cost and recovered by the City in the project SAC (SACCON) costs. The easements costs are reflected in the project SAC (SACCON) rate previously identified in this Feasibility Report.

Since the Hruska and Roberts' properties are located in Haverhill Township and not within the City of Rochester there exists a potential of the Township objecting to the project, unless the easements are annexed into the City. As such, the City in negotiating for the easement acquisitions must address the annexation issue and the potential difficulties posed by Haverhill Township in objecting to the construction of the project.

Environmental Review Required

The estimated average daily flow for the proposed 15" sanitary sewer sub-trunkline is less than 1.0 MGD. Therefore, an Environmental Assessment Worksheet (EAW) is not required by State Statutes prior to the Minnesota Pollution Control Agency (MPCA) issuance of a permit for the construction of the project.

The EAW being prepared for the Water Reclamation Plant expansion will indicate the Silver Creek Service Area limits extend to the east line of the Payne property. Extension of the Silver Creek Trunkline Sewer beyond this point will require that:

1. The Water Reclamation Plant expansion is completed, and
2. An Environmental Assessment Worksheet is completed for the entire 9,500 acres in Sewer Service Area 24, and
3. The 18" Silver Creek Sub-trunkline sanitary sewer located downstream of this project is upgraded/replaced with a larger diameter trunkline sanitary sewer from its terminus point with the SE Interceptor Sanitary Sewer to East Circle Drive NE, and a 30" sanitary sewer is constructed from East Circle Drive NE to the east to serve the balance of the Sewer Service Area 24.

With the restrictions noted above the extension of a 30" trunkline sanitary sewer to serve the balance of SSA 24 may not occur until at least 2007.

Additional Development Related Charges

In addition to the project related sewer and water charges required from the Roger Payne and Arcon Development the Payne property and the Arcon property are also subject to the following development related charges for other City of Rochester public improvement projects:

Storm Water Management

Onsite storm water management and sedimentation facilities will be required to serve each of the properties. Private storm water management facilities shall be designed to serve each respective property. Cost of construction of these facilities is the developer's expense. In the event that a portion or portions of the property are not served by these onsite facilities, then the acreage of these areas are subject to a Storm Water Management Fee of **\$2,211.76 per acre for low-density residential development**. Multi-family development and commercial/industrial development uses will be calculated on a case-by-case basis.

Sewer Availability Capacity Charge (SACCAP)

The properties are subject to a Sewer Availability Charge for Capacity (SACCAP) for downstream sanitary sewer trunkline upgrade/replacement for capacity limitations to the sanitary sewer trunkline located downstream of project J7703. The 2002 City rate for SACCAP is **\$716.10 per developable acre**.

Water Availability Charge

The properties are subject to a Water Availability Charge for the water tower located in the Northern Heights area. The City constructed this water tower in project J9288. The WAC rate for this water tower is \$1,021.46 per developable acre, plus 7.5% simple interest from May 4, 1998 to the date that the charges are made against each property. Interest will accrue at 7.5% simple interest from May 4, 1998 for a maximum of ten (10) years.

The WAC rate for the water tower as of February 3, 2003 with interest is **\$1,385.62 per developable acre**.

Silver Creek Road Traffic Improvement District (TID)

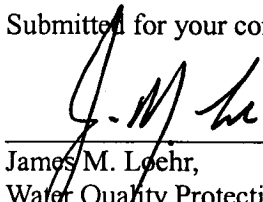
The City anticipates that the relocation/upgrade of Silver Creek Road will be required in the future to handle the increased traffic flows to the Road from new development in the area.

The estimated TID rate for the Silver Creek Road relocation/upgrade is **\$2,500 per gross acre**.


Note:

The rates for Storm Water Management, Sewer Availability Capacity Charge, and the Silver Creek TID are adjusted on August 1st of each year based on the change in the Engineering News Record/Construction Cost Index for the Minneapolis/St. Paul area during the preceding 12 months. The rates shown in this Feasibility Report are in effect through July 31, 2003.

Submitted for your consideration:


James M. Lochr,
Water Quality Protection Program
Project Manager

Approved:


Richard W. Freese
Director of Public Works
City Engineer

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BUDGET AND ASSESSMENT SCHEDULE FOR CONSTRUCTION CONTRACT

Project No: M2-13
J No: J7703

Date (Orig.) July 7, 2003

Description: Sanitary Sewer Extension to Serve Vacant Lands that are Located in Sanitary Sewer Service Area 24 in Rochester Township, Specifically Sewer Service 24A & 24-B1 to Serve the Southern Portions of Shannon Oaks and Century Hills Subdivision.

<u>Project Cost</u>	Project Budget	Contract Cost	Final Cost
<u>Sanitary Sewer</u>	<u>\$ 393,735</u>		
<u>Roadway Restoration, Seed, Erosion Control</u>	<u>42,000</u>		
<u>Construction Cost</u>	<u>\$ 435,735</u>		
<u>Engineering/Interest/Contingency</u>	<u>130,721</u>		
<u>Construction Cost & Expense Sub-total</u>	<u>\$ 566,456</u>		
<u>Easements</u>	<u>150,000</u>		
<u>Total Construction & Expense</u>	<u>\$ 716,456</u>		

Cost Distribution

Roger Payne Property	<u>\$ 426,362</u>
Arcon Development Property	<u>153,861</u>
Future Charges	
Sanitary Sewer Centerline Foot and Connection Charges	<u>111,322</u>
SAC for Construction (SACCON)	<u>24,911</u>
TOTAL	<u>\$ 716,456</u>

Make Initial Disbursement from P. I. R. Fund



March 20, 2002

Mr. Richard Freese, PE
City of Rochester Public Works Department
201 4th Street SE
Rochester, MN 55904

**RE: Century Hills and Shannon Oaks Sanitary Sewer
Rochester, Minnesota**

Dear Richard:

On behalf of Payne Company, Arcon Development, Inc., and Mr. Donald Untiedt, we would like to request that the city council initiate a Project Feasibility Report for the extension of sanitary sewer to serve the southern portions of Century Hills and Shannon Oaks. This sanitary sewer trunk line is shown on the Century Hills General Development Plan along the Dakota, Minnesota & Eastern Railroad right-of-way, and extends north to the proposed street that intersects with Silver Creek Road NE on the south side of the Century Hills property.

Sincerely,

YAGGY COLBY ASSOCIATES

Wade C. DuMond, ASLA

WCD

YCA # 7541 LD2

7703 LD2

cc: Roger Payne
Larry Frank
Don Untiedt

ROCHESTER OFFICE

717 Third Avenue SE

Rochester, MN 55904

507-288-6464

Fax 507-288-5051

MASON CITY OFFICE

641-424-6344

DELAFIELD OFFICE

262-646-6851

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 7/7/03

111

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-39

ITEM DESCRIPTION:

Proposal for Preliminary Design Analysis for the Silver Creek Sub-Trunkline Sanitary Sewer, J7703

PREPARED BY:

J. Loehr

This is a proposal by Yaggy Colby Associates to provide Preliminary Design Analysis for the following local improvement project:

Project No. M2-13, J7703**"Silver Creek Sub-trunkline Sanitary Sewer to Serve Portions of Sewer Service Area 24 in Haverhill Township."**

Yaggy Colby Associates is familiar with the proper preliminary design analysis required to design a successful sub-trunkline sanitary sewer plan. Therefore, the Department of Public Works recommends that Yaggy Colby Associates be initially retained by the City to provide Preliminary Design Analysis for this project.

Compensation for the Preliminary Design Analysis is based on an actual cost and expense fee structure. Yaggy Colby's proposal states: "We have estimated the cost of completing the preliminary design analysis at \$8,500.00."

After the completion of the Preliminary Design Analysis and selection of design alternates and the scope of the project is determined the Department of Public Works will negotiate a Design Engineering Service Agreement with Yaggy Colby for the project. Compensation for Design Engineering Services is proposed at a "Lump Sum" amount as negotiated for the project. The "Lump Sum" amount will be based on the extent of engineering services required for the project.

COUNCIL ACTION REQUESTED:

1. Adopt a resolution authorizing the execution of Engineering Service Agreements with Yaggy Colby Associates to provide engineering services as follows:
 - a. Preliminary Design Analysis (actual cost and expense fee structure).
 - b. Design Services ("Lump Sum" as negotiated by the Department of Public Works and approved by the City Administrator).

Attachment: Yaggy Colby Associates Letter of Proposal

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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REQUEST FOR COUNCIL ACTION

MEETING

DATE: 7/7/03

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AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: PUBLIC WORKS	ITEM NO: D-40
ITEM DESCRIPTION: Consulting Engineering Service Agreement For Design of Water Reclamation Plant Expansion		PREPARED BY: Richard Freese <i>RF</i>
<p>The Water Reclamation Plant is approaching its design capacity and because of the continuing growth in the City an expansion of the plant will be required during the next three years. An application for the renewal of the plant's NPDES permit has been submitted to the Minnesota Pollution Control Agency and requirements of the permit are currently being negotiated. The Permit Application includes information regarding projected growth of the City and the need for an expansion of the WRP from its current capacity of 18.5 MGD (million gallons per day) to 25.5 MGD (2025 capacity) and planning for a future 40.0 MGD plant (2055 capacity).</p> <p>A Request For Proposals for professional engineering services related to the design of an expansion to the Water Reclamation Plant were sent to five national consulting engineering firms in early April 2003. Each of these firms has expressed over the past 2-5 years great interest in providing professional engineering services for the plan expansion. Written proposals were received from four of the firms on May 9, 2003. The five firms receiving the Request for Proposals were all very well qualified and each has completed many similar projects as the one anticipated for the WRP. All five (5) firms were recently rated in the Top 10 for 2002 by Engineering News Record. The four firms submitting proposal were:</p> <p>Black & Veatch Corporation CH2M HILL, Inc. Earth Tech HDR Engineering, Inc.</p> <p>A committee of six city staff reviewed the written proposals and formal oral interviews were conducted by the committee on June 12 and June 16. Members of the evaluation committee included: Richard Freese, Doug Nelson, Doug Knott, and Lyle Zimmerman, Chet Welle and David Lane from the WRP staff.</p> <p>The review committee members independently evaluated each firm's written proposal and rated each firm on 1 parameters relative to experience, project management and cost control, and project approach to completing the work. CH2M HILL was ranked first by five of the six reviewers and second by one. The consensus of the committee was that CH2M HILL should be retained for the preliminary and final design of the WRP expansion project. CH2M HILL made the following financial commitments in their proposal:</p> <ul style="list-style-type: none">➤ CH2M HILL will redesign the project at no cost to the City if the treatment plant does not meet NPDES discharge permit limits➤ CH2M HILL will directly supervise the operation of the plant at no cost to the City if the treatment plant does not meet NPDES discharge permit limits➤ CH2M HILL will pay to the City liquidated damages if they fail to complete the design by the agreed upon date➤ CH2M HILL will redesign the project at no cost to the City if the construction bids exceed the engineer's estimate➤ CH2M HILL will design and build Immediate Capacity Improvements that could provide an additional 10% increase in the capacity of the existing plant		

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Evaluation of an engineering consultant for professional services is based on qualifications. Each of the firms was also required to submit a cost proposal for the preliminary and final design phases of the project. The cost proposal for the preliminary design phase was for the scope of work anticipated by each firm. This cost proposal and scope of work will be used as the basis for negotiating a professional services contract. During the preliminary design many alternatives will be evaluated and those to be included in the final design will be selected. A contract amendment for the final design will then be negotiated based on the selected alternatives and scope of work identified during the preliminary design.

There were significant differences in the fees estimated by the four firms for each phase of the design, but the estimated fees for the total design (preliminary and final) were relatively close. Three of the firms estimated total fees were within 2.5% of each other and the fourth firm was approximately 24% higher. The estimated fees for the total design (preliminary and final) ranged from \$1,394,400 to \$1,733,000. CH2M HILL's estimated fees for the total design (Immediate Capacity Improvements, preliminary and final) was the lowest at \$1,394,400.

The members of the staff evaluation committee recommend that authorization be given to the Public Works Director, WRP Manager, and City Administrator to negotiate with CH2MHill a Professional Services Agreement that includes a scope of work and related cost for the review and design of immediate capacity improvements, review of existing plant capacities, and the preliminary design phase for the expansion of the WRP. The negotiated Contract will come back to the City Council for final authorization within the next 30 days. The final design contract amendment will be negotiated at a later date with the final terms to be approved by the City Council.

COUNCIL ACTION REQUESTED

It is requested that authorization be given to the Public Works Director, WRP Manager and City Administrator to negotiate a contract for professional service with CH2M HILL, Inc. for the preliminary design phase of an expansion to the Water Reclamation Plant, evaluation and design of Immediate Capacity Improvements and review of the condition and capacity of existing WRP facilities.

COUNCIL ACTION: Motion by: _____ Second by: _____ To: _____

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REQUEST FOR COUNCIL ACTION		Meeting Date 07/07/03
AGENDA SECTION Rochester Public Utilities	ORIGINATING DEPT: Consent Agenda	ITEM NO. D-41
ITEM DESCRIPTION: Consideration of Public Utility Board Action		PREPARED BY: Kathy Wilson
<p>The Rochester Public Utility Board has approved the following on June 24, 2003 and requests the Common Council's favorable consideration:</p> <ul style="list-style-type: none"> - to approve a resolution to approve a contract agreement with Dig America and that the Common Council authorize the Mayor and the City Clerk to execute the agreement for the Saint Marys Feeder Duct System Reroute in the amount of \$695,336.15. - to approve a resolution to approve four contract agreements, subject to approval by Cornerstone Energy of the handwritten revisions noted in the contracts, and that the Common Council authorize the Mayor and the City Clerk to execute the agreements for Professional Services as Defined in the Two Base Agreements and Two Daily and Monthly Balancing Services Contracts for Silver Lake Power Plant and the Cascade Creek Generating Facility. - to approve a resolution to approve a contract agreement, subject to review of the terms and conditions by the City Attorney's Department, with the Minnesota Department of Transportation (MNDOT) and that the Common Council authorize the Mayor and the City Clerk to execute the agreement for Highway 52 Project MNDOT Contract 85448 – Reimbursement Agreement – 7th Street Duct Bank Relocation. 		
<p>GENERAL MANAGER: <i>Tony Koshin 6/25/03</i></p>		
<p>COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____</p>		

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FOR BOARD ACTION

Agenda Item # 3.b.

Meeting Date: 6/24/03

SUBJECT: CONSIDERATION OF BIDS
RELOCATION OF SAINT MARYS DUCT BANK

PREPARED BY: Steven J. Cook *[Signature]*
Senior Electrical Engineer

ITEM DESCRIPTION:

On June 17, 2003 three bids were received for the relocation of approximately 1100 feet of concrete encased electrical duct bank including the construction of two new manholes and the expansion of two existing manholes. This work is required because the existing facilities are in conflict with the new US T.H. 52 bridges over the DM&E railroad line north of T.H. 14 and east of RPU's Cascade Creek Substation. The relocation of the duct system and the associated electrical feeders will begin immediately after RPU receives a signed relocation agreement with the Minnesota Department of Transportation which is expected in July 2003.

Of the three bids, the one from MasTec was returned to the bidder unopened because it was delivered after the specified bid opening time. The bid received from Knutson Construction was incomplete and had a higher total price than that of the lowest apparent bidder who was Dig America, Inc.

The two bids opened are listed below:

BID SUMMARY

<u>Bidder</u>	<u>Bid Amount</u>
Knutson Construction	\$ 737,903.00
Dig America	\$ 695,336.15

UTILITY BOARD ACTION REQUESTED:

Staff recommends that the Board approve a resolution requesting the Common Council approve a contract agreement with Dig America, Inc. in the amount of 695,336.15 and that the Common Council authorize the Mayor and the City Clerk to execute the agreement.

[Signature]
General Manager

6/20/03
Date

ROCHESTER PUBLIC UTILITIES

FOR BOARD ACTION

Agenda Item # 4

Meeting Date:

6/24/03

SUBJECT:

Professional Services Contracts
Cornerstone Energy

PREPARED BY:

Wally Schlunk, Manager of Power Production

ITEM DESCRIPTION:

Aquila has provided non-regulated professional services for RPU for a number of years related to transport, purchase, nominating and balancing of natural gas for the Silver Lake and Cascade Creek generating sites. Aquila has disposed of their non-regulated business units to concentrate on the regulated portion of their business and has assigned the existing contracts to Cornerstone Energy, which is comprised of the same key personnel we have been working with for years at Aquila.

Relating to those services, Cornerstone Energy has submitted four contract agreements for approval.

The first is a Base Agreement that allows Cornerstone to provide transportation services to the city gate for the Cascade Creek gas turbine site.

The second is a Base Agreement for the same services for the Silver Lake Power Plant site.

The third and fourth are Daily and Monthly Balancing Service Contracts to provide those services at a rate of \$.14 per MMBtu of gas delivered to both SLP and Cascade Creek RPU premises. This service is required and necessary for the operation of both generating facilities.

UTILITY BOARD ACTION REQUESTED:

Staff recommends that the Board approve a resolution requesting the Common Council to approve four contract agreements with Cornerstone Energy, to provide the professional services as defined in the two Base Agreements and the two Daily and Monthly Balancing Services Contracts for Silver Lake Power Plant and the Cascade Creek generating facility.

Reviewed 6-10-03 WNS

ROCHESTER PUBLIC UTILITIES

General Manager

Danny Kralin

Date

6/20/03

118

FOR BOARD ACTION

Agenda Item # 5

Meeting Date:

6/24/03

SUBJECT: Highway 52 Project MNDOT Contract 85448
Reimbursement Agreement Approval
7th Street Duct Bank Relocation

PREPARED BY: Greg Woodworth
Engineering Manager

ITEM DESCRIPTION:

At the February Board meeting, a reimbursement agreement was approved for relocation of the 161kV Q7 transmission line that crosses Highway 52 just north of the intersection of Highways 52 and 14. That relocation was just completed in early June.

Also at the February meeting, staff informed the Board that on February 14th MNDot had requested that we relocate an underground duct bank in the same area. We have been working with MNDot and Zumbro River Constructors since that time to find an acceptable route and conditions to allow relocation of the duct and the five distribution feeders that it contains. On June 12th we came to final agreement with MNDot on the overall reimbursement methodology for the relocation.

As of the writing of this For Board Action Form, ZRC has not yet finalized the details for the duct route, including the depth, and therefore the total project estimate has not been finalized. Until the project estimate has been finalized, MNDot will not issue the final reimbursement agreement for execution. Attached is the previous reimbursement agreement for the transmission line which will be the basis for this reimbursement agreement. The final language will differ only in relation to the specific work to be done.

Based on the best information available at this time, the estimated costs are listed below:

Estimated total project cost	\$750,000
RPU portion	<u>75,000</u>
Approximate Amount of Reimbursement Agreement	675,000

Approximately 1,100 feet of existing duct is being replaced by 1,250 feet of new duct. The RPU portion of the project cost arises from the 164 feet of existing duct that is located within the original MNDot Right-of-Way dating back to 1931. This portion of the project is not reimbursable.

UTILITY BOARD ACTION REQUESTED:

The Board is requested to approve a reimbursement agreement with the Minnesota Department of Transportation for the 7th street duct relocation on the Highway 52 project. The wording of the final agreement shall be subject to acceptable final wording being crafted by RPU staff and the City Attorney.


General Manager

6/20/03
Date

ROCHESTER PUBLIC UTILITIES

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<u>REQUEST FOR COUNCIL ACTION</u>		MEETING DATE: 7-7-03
AGENDA SECTION: PUBLIC HEARINGS – Continued Item	ORIGINATING DEPT: PLANNING	ITEM NO. E-1
ITEM DESCRIPTION: Land Use Plan Amendment Petition #03-04 by Morris Memorial LLC and Allen Koenig to amend the Land Use Plan designation from “Low Density Residential” to “Industrial” on approximately 33.48 acres of land. The property is located along the west side of TH 63, east of East River Road NE and north of 41 st Street NE.		PREPARED BY: Brent Svenby, Planner
<p>June 26, 2003</p> <p>This item was continued at the June 2, 2003 meeting to allow the applicant to work with the adjacent property owner, MnDOT, Public Works and Planning on the access to TH 63. At this time the access to TH 63 has not been resolved. Staff to would recommend that the Council continue this item until the July 21, 2003 meeting.</p> <p>Distribution:</p> <ol style="list-style-type: none">1. City Administrator2. City Attorney3. Planning Department File4. Applicant: This item will be considered some time after 7:00 p.m. on Monday, July 7, 2003 in the Council / Board Chamber at the Rochester – Olmsted Government Center Building5. Civil Engineering Services Company		
COUNCIL ACTION: Motion by: _____ Seconded by: _____ to: _____		

REQUEST FOR COUNCIL ACTION

MEETING 121 -

DATE: 7-7-03

AGENDA SECTION: PUBLIC HEARINGS – Continued Item	ORIGINATING DEPT: PLANNING	ITEM NO. E-2
ITEM DESCRIPTION: Zoning District Amendment #03-09 by Morris Memorial LLC and Allen Koenig to rezone approximately 33.48 acres from the I (Interim) to the M-1 (Mixed Commercial-Industrial) zoning district. The property is located along the west side of TH 63, east of East River Road NE and north of 41 st Street NE.		PREPARED BY: Brent Svenby, Planner
<p>June 26, 2003</p> <p>This item was continued at the June 2, 2003 meeting to allow the applicant to work with the adjacent property owner, MnDOT, Public Works and Planning on the access to TH 63. At this time the access to TH 63 has not been resolved. Staff to would recommend that the Council continue this item until the July 21, 2003 meeting.</p> <p><u>Distribution:</u></p> <ol style="list-style-type: none">1. City Administrator2. City Attorney3. Planning Department File4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, July 7, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE.5. Civil Engineering Services Co.		
COUNCIL ACTION:		
Motion By:	Seconded By:	Action:

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REQUEST FOR COUNCIL ACTION

123-
MEETING

DATE: 7-7-03

AGENDA SECTION: PUBLIC HEARINGS- Continued Item	ORIGINATING DEPT: PLANNING	ITEM NO. E-3
ITEM DESCRIPTION: General Development Plan #206 to be known as Morris Meadows by Morris Memorial LLC and Allen Koenig. The applicant is proposing to develop the property with commercial and industrial uses. The plan also identifies future roadway patterns on the property to the west and storm water detention facilities. The property is located along the west side of TH 63, east of East River Road NE and north of 41 st Street NE.		PREPARED BY: Brent Svenby, Planner
<p>June 26, 2003</p> <p>This item was continued at the June 2, 2003 meeting to allow the applicant to work with the adjacent property owner, MnDOT, Public Works and Planning on the access to TH 63. At this time the access to TH 63 has not been resolved. Staff to would recommend that the Council continue this item until the July 21, 2003 meeting.</p> <p><u>Distribution:</u></p> <ol style="list-style-type: none">1. City Administrator2. City Attorney3. Planning Department File4. Applicant: This item will be considered some time after 7:00 p.m. on Monday, July 7, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.5. Civil Engineering Services Co.		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

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REQUEST FOR COUNCIL ACTION

MEETING
7-07-03

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AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO. E-4
ITEM DESCRIPTION: Final Plat #03-04 to be known as Manor Woods West Fourteenth. The property is located south of 5 th Street NW, north of Manor Brook Drive NW, west of Manor Park Drive NW and allows of the continuation of Manor Ridge Drive NW.		PREPARED BY: Mitzi A. Baker, Senior Planner

July 1, 2003

Staff Recommendation:

This Plat should not be approved in its present form. Right-of-way for Manor Woods Lane, located between Outlot A and Outlot B should be included in the Plat. The Plat should be revised to include dedication of this right-of-way prior to Council action on the Plat. If a REVISED Plat is submitted, including the additional right-of-way, staff would recommend approval subject to the following conditions/modifications:

- 1. The 86' access to Outlot A does not provide adequate access for maintenance of Outlot A. Dedication of access easement(s) to Outlots A and B shall be provided to the City prior to or concurrent with final plat documents, in a form and location acceptable to Rochester Park and Recreation and Rochester Public Works.***
- 2. Parkland dedication shall be in the form of cash in lieu of land in the amount of \$8,540 with payment due prior to recording the final plat documents.***
- 3. Per the referral comments from the Planning Department GIS/Addressing Staff, the following fees shall be paid prior to recording the final plat documents: E911 Addressing Fee \$500.00, GIS Impact Fee \$340.00.***

Council Action Needed:

- 1. Continue or Table this item to provide time for the applicant to file a revised Plat. Or, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision, adding a condition that the final plat documents include dedication of right-of-way between Outlot A & B.***

Attachment:

1. Staff Report

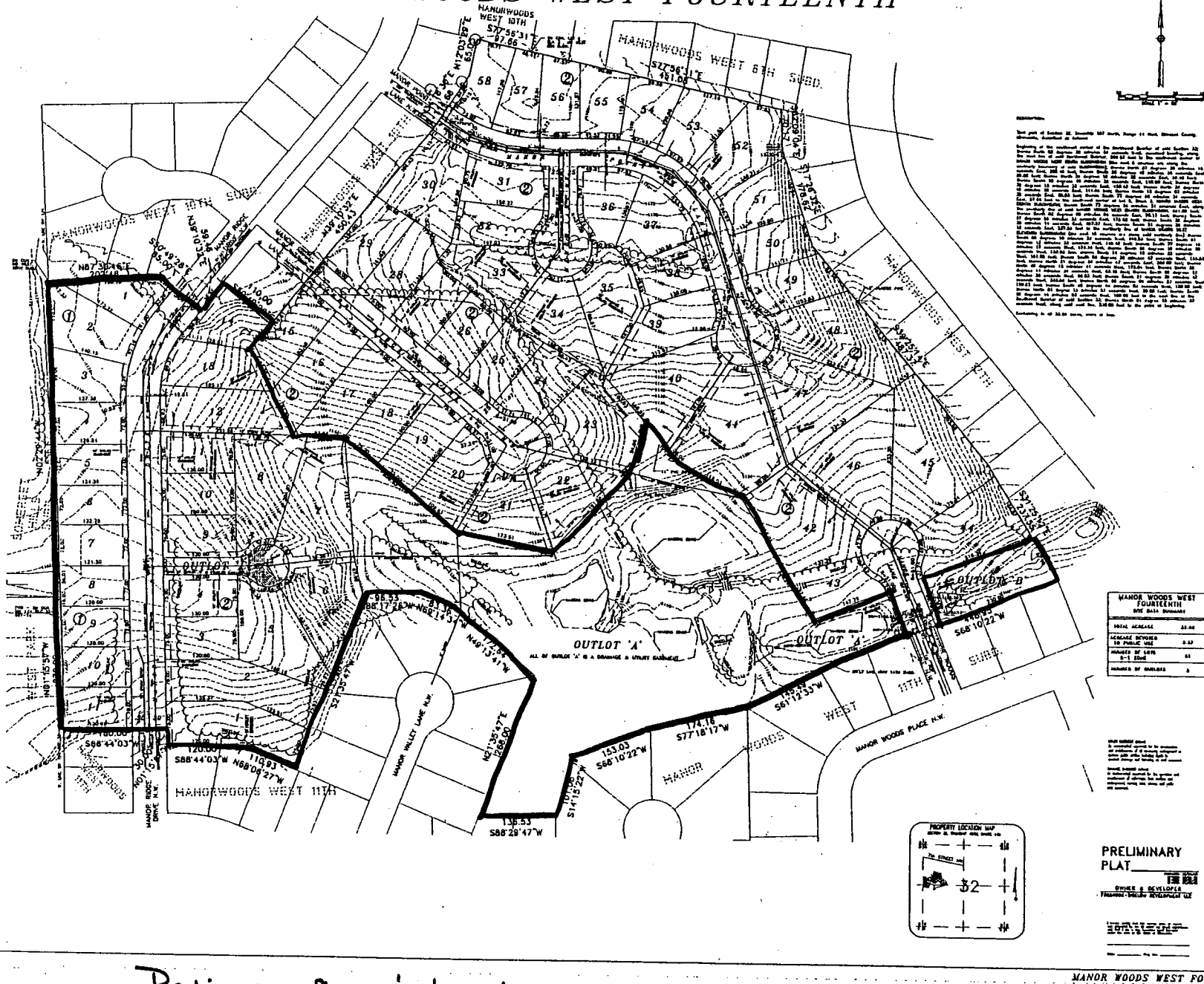
Distribution:

1. City Attorney
2. Planning Department File
3. McGhie & Betts, Inc.
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday July 7, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

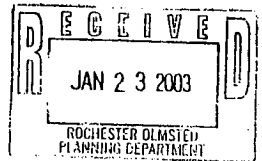
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

MANOR WOODS WEST FOURTEENTH

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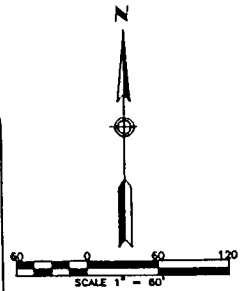
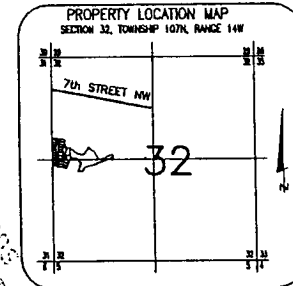


Preliminary Plat & Location of Final Plat #03-04



REVISED

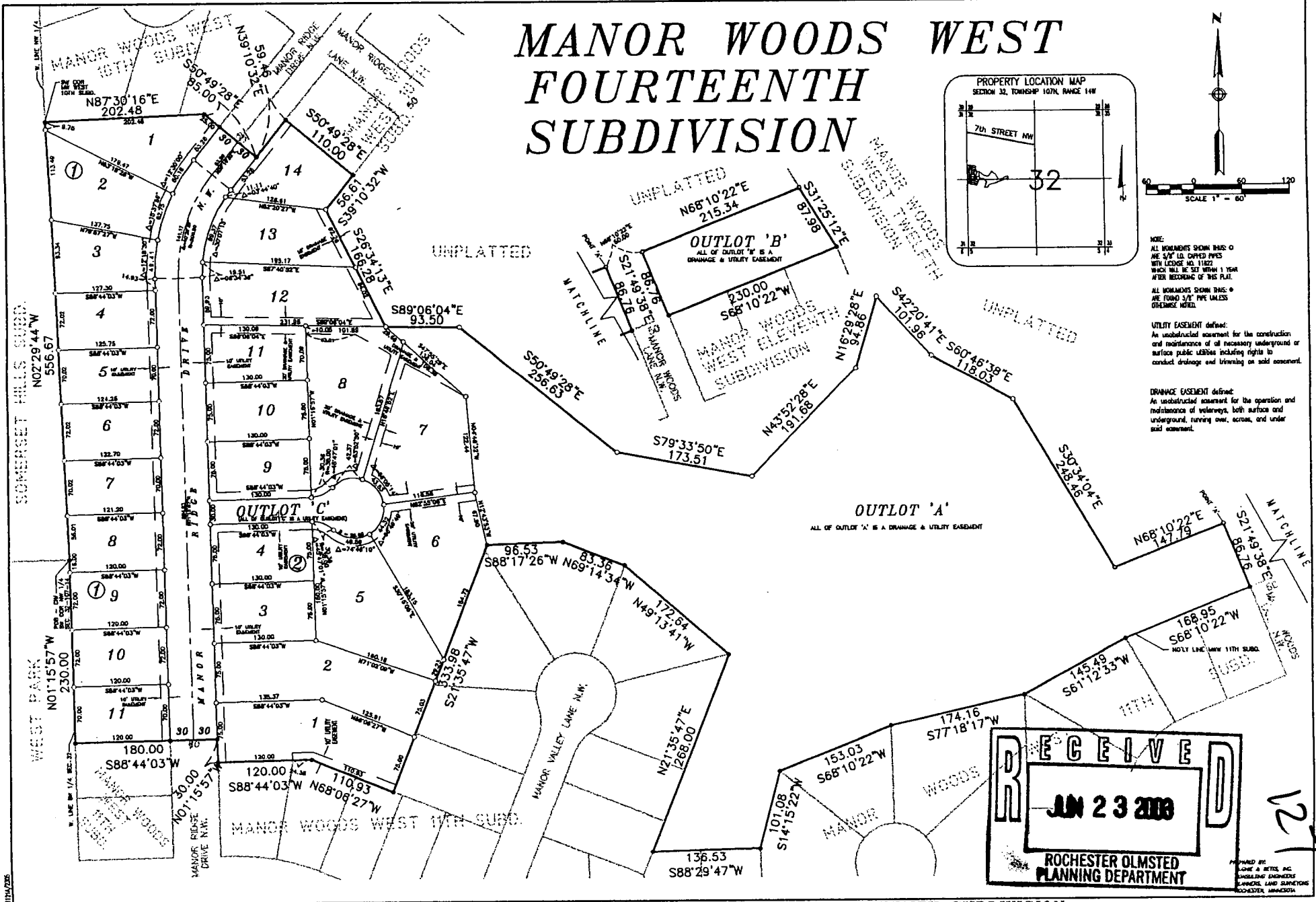
MANOR WOODS WEST FOURTEENTH SUBDIVISION



NOTE:
ALL MONUMENTS SHOWN BASED ON
THE 5/8" I.D. COPPED PIPES
WITH LOGS NO. 11027
WHICH WILL BE SET WITHIN 1 YEAR
AFTER RECORDING OF THIS PLAT.
ALL MONUMENTS SHOWN BASED ON
ARE FOUND 3/8" PIPE UNLESS
OTHERWISE NOTED.

UTILITY EASEMENT defined:
An unobstructed easement for the construction
and maintenance of all necessary underground or
surface public utilities including rights to
conduct drainage and brining on said easement.

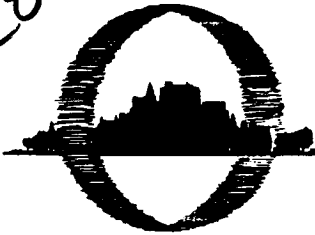
DRAINAGE EASEMENT defined:
An unobstructed easement for the operation and
maintenance of waterways, both surface and
underground, running over, across, and under
said easement.



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ROCHESTER-OLMSTED PLANNING DEPARTMENT

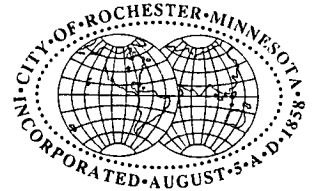
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Mitzi A. Baker, Senior Planner

DATE: July 1, 2003

RE: Final Plat #03-04 to be known as Manor Woods West Fourteenth. The property is located south of 5th Street NW, north of Manor Brook Drive NW, west of Manor Park Drive NW and allows of the continuation of Manor Ridge Drive NW.

Planning Department Review:

Applicant/Owner: Forbrook-Bigelow Development
706 County Rd. 3 NW
Byron, MN 55920

Surveyors/Engineers: McGhie & Betts, Inc.
1648 3rd Avenue SE
Rochester, MN 55904

Report Attachments:

1. Referral Comments
2. Location Map
3. Copy of Final Plat

Plat Data:

Location of Property: The property is located south of 7th St. NW, between Manor Park Drive NW and Manor Ridge Dr. NW, in a currently undeveloped portion of the Manor Woods West General Development Plan.

Zoning: The property is zoned R-1 (Mixed Single Family) district.

Proposed Development: The plat contains 15.34 acres to be subdivided into 25 single family home lots and 3 outlots.

A request for a *Substantial Land Alteration Permit* to allow grade changes in excess of 10 feet in 5 different areas was approved with the Land Subdivision Permit (Preliminary Plat) approval. This Final Plat includes only a portion of the lands included in the approved preliminary plat.

BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275



AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Preliminary Plat:

The Preliminary Plat/Land Subdivision Permit for this property was approved in March 2003, along with a Substantial Land Alteration, subject to the following conditions/modifications:

1. *The Final Plat shall include:*
 - *A 30' wide access from Manor Ridge Lane to Outlot A for maintenance and pedestrians;*
 - *Additional drainage and/or utility easements shall be identified as determined through construction plan review & approval;*
 - *A revised roadway name, to be approved by the Planning Department Addressing staff (see February 6, 2003 memo).*
2. *Parkland dedication for this subdivision shall be met via cash in lieu of land, per the January 31, 2003 memorandum from Rochester Park and Recreation.*
3. *Prior to Final Plat submittal, the applicant shall enter in to a Development Agreement with the City that outlines the obligations of the applicant, relating to, but not limited to, stormwater management, pedestrian facilities, park dedication, traffic improvements, right-of-way dedication, dedication of Outlots, owner obligation for perpetual care of any Wetlands, construction traffic, and contributions for public infrastructure needed to serve this property.*
4. *Execution of an Ownership & Maintenance Declaration for Outlot C is required, and shall be coordinated with Rochester Public Works.*
5. *Construction of pedestrian facilities is required, at the Owner's expense, along the entire frontages of both sides of all public streets within this subdivision, including the frontage of Manor Ridge Drive NW abutting proposed Outlot C, and the frontage of Manor Woods Lane NW abutting Outlots A & B.*
6. *Lots with direct access to 7th St. NW shall have shared driveways, meeting the access spacing standards of the Rochester Zoning Ordinance and Land Development Manual.*
7. *Approval is contingent upon the Technical Evaluation Panel (TEP) finding that this Plat and GDP amendment are consistent with approved Wetland plans and permits. The wetlands in the Outlot must be field inspected by the TEP and determined to have either fulfilled the wetland replacement plan requirements of #99-8 or are in a condition that will lead to successful completion of the plan. In addition, an annual monitoring plan shall be required to be submitted to the TEP until the wetlands are created and stable if the later circumstance exists.*
8. *The grading and drainage plans and erosion and sedimentation control plans must be approved by the City prior to commencement of grading activities on this property.*
9. *The applicant must provide surety that guarantees that the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive plan, neighborhood plans, and Land use Plan and applicable City policies. Said surety must be provided prior to commencement of grading activities on this property.*

Planning Staff and Recommendation:

This Plat should not be approved in its present form. Right-of-way for Manor Woods Lane, located between Outlot A and Outlot B should be included in the Plat. The Plat should be revised to include dedication of this right-of-way prior to Council action on the Plat. If a REVISED Plat is submitted, including the additional right-of-way, staff would recommend approval subject to the following conditions/modifications:

1. *The 86' access to Outlot A does not provide adequate access for maintenance of Outlot A. Dedication of access easement(s) to Outlots A and B shall be provided to the City prior to or concurrent with final plat documents, in a form and location acceptable to Rochester Park and Recreation and Rochester Public Works.*
2. *Parkland dedication shall be in the form of cash in lieu of land in the amount of \$8,540 with payment due prior to recording the final plat documents.*
3. *Per the referral comments from the Planning Department GIS/Addressing Staff, the following fees shall be paid prior to recording the final plat documents: E911 Addressing Fee \$500.00, GIS Impact Fee \$340.00.*



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: June 23, 2003

TO: Jennifer Garness, Planning

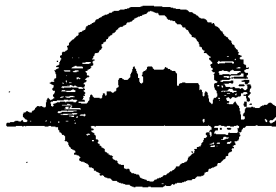
FROM: R. Vance Swisher
Fire Protection Specialist

SUBJ: Final Plat 03-04 to be known as Manor Woods West Fourteenth Subdivision, by Forbrook-Bigelow development LLC. The plat contains 15.34 acres to be subdivided into 25 single-family home lots and 3 outlots.

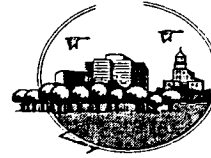
With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division
Forbrook-Bigelow Development LLC – 706 County Rd 3 NW – Byron, MN 55920
McGhie & Betts, Inc. – 1648 3rd Ave SE – Rochester, MN 55904



COUNTY OF
Olmsted



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: June 25, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald; McGhie and Betts

RE: **MANOR WOODS WEST FOURTEENTH**
FINAL PLAT #03-04 (REVISED)

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE: \$500.00 (25 LOTS/ADDRESSES)

GIS IMPACT FEE: \$340.00 (28 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. Upon review of **MANOR WOODS WEST FOURTEENTH** the GIS / Addressing staff has found no issues to bring forth at this time.



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ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

M E M O R A N D U M

DATE: June 23, 2003

TO: Jennifer Garness
Planning

RE: Manorwoods West 14th
Final Plat #03-04

Acreage of plat.....	15.34 a
Number of dwelling units.....	25 units
Density factor.....	.0244
Dedication61 a
Fair market value of land.....	\$14,000/a

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land in the amount of \$ 8,540 with payment due prior to recordation of the final plat.

The 86' access to Outlot A does not provide adequate access for maintenance of Outlot A.

134

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 6/30/03

The Department of Public Works has reviewed the application for a Final Plat #03-04 for the proposed Manor Woods West Fourteenth Subdivision. The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property.
 2. Execution of a City / Owner Contract will be required prior to construction of public infrastructure.
 3. Dedication of an easement to the City is required for access to Outlots 'A' & 'B'.
- ❖ Development Charges are addressed in the executed Development Agreement.



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060
2900 48th Street N.W.
Rochester, MN 55901-5848

Office Tel: 507-280-2913
Fax: 507-285-7355

June 23, 2003

Jennifer Garness
Rochester Olmsted Planning Department
2122 Campus Drive SE - Suite 100
Rochester, MN 55904

**Subject: Final Plat #03-04 to be known as Manor Woods West
Fourteenth Subdivision by Forbrook-Bigelow Development LLC.
The property is located south of 5th Street NW, north of Manor
Brook Drive NW, west of Manor Park Drive NW and allows for the
continuation of Manor Ridge Drive NW.**

Dear Ms. Garness:

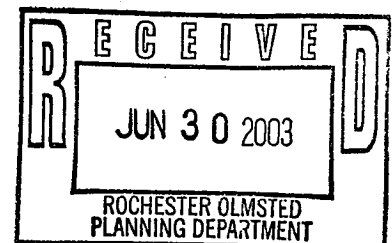
The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposal. Although this development does not have direct access to Mn/DOT roadways, Mn/DOT requests the City of Rochester continue managing traffic impacts for both City and State roadways.

Thank you for keeping Mn/DOT informed. Any questions you may have may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

Dale E. Maul,
Planning Director

cc: Fred Sandal
Debbie Persoon-Bement
File



134

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Final Plat #03-04 to be known as Manor Woods West
14th (July 1, 2003)

- ☒ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

A wetland replacment plan has been approved and is incorporated into this GDP. The Technical Evaluation Panel will need to inspect the wetland area and plans to assure compliance with the previously approved wetland replacement plan. The wetland file number is #99-8.

REQUEST FOR COUNCIL ACTION

MEETING
07-07-03

137-

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO. E-5
ITEM DESCRIPTION: Final Plat #03-20 to be known as Northview Third Subdivision by HCS, LLC. The applicant is proposing to re-subdivide Lot 5, Block 1, Northview First Subdivision into 2 lots for development. The property is located along the east side of West Circle Drive, along the west side of 40 th Avenue NW and north of Valleyhigh Road NW.		PREPARED BY: Theresa Fogarty, Planner

July 1, 2003

Staff Recommendation:

Staff would recommend approval subject to the following conditions:

1. *Prior to recording, the final plat shall be revised, as follows:*
 - a. *Provide an additional utility easement providing water service to Lot 1, as requested by Rochester Public Utility Water Division Memorandum dated June 18, 2003 and Operations Division Memorandum dated June 24, 2003.*
2. *A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the June 25, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.*
3. *Prior to recording the Final Plat, the owner/developer shall provide evidence of an access easement across proposed Lot 2, Block 1.*
4. *Grading and Drainage Plan approval shall be required for individual lot development, and a Storm Water Management fee is applicable to any areas of impervious surface that do not drain to the existing privately constructed detention facilities serving the Northview Subdivision.*
5. *The Owner/Developer shall construct a 10' wide bituminous pedestrian path along the entire frontage abutting West Circle Drive NW, concurrent with the development of Lot 1, Block 1.*
6. *The owner/developer shall be responsible for the expense of any existing electric facilities that may need to be relocated as a result of this re-subdivision.*

Council Action Needed:

1. *If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.*

Attachment:

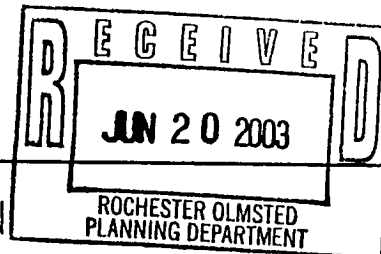
1. Staff Report, dated July 1, 2003.

Distribution:

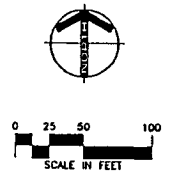
1. City Attorney
2. Planning Department File
3. Yaggy Colby Associates
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, July 7, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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NORTHVIEW THIRD SUBDIVISION



MONUMENTS
 • Set 1/2" Rebars
 • Found Monuments (Pipe, Rod, Etc.)
 All monuments set have a plastic cap stamped L.S. 41887.

BEARINGS
 Plot bearings are Minnesota State Plane Grid Azimuths measured to the right from Grid North.

In witness whereof, said MCS, LLC, a Minnesota Limited Liability Company, has caused these presents to be signed by its proper officer this ____ day of ____ 20__.

By: _____
 Title: _____

STATE OF MINNESOTA
 COUNTY OF OLMSTED

The foregoing instrument was acknowledged before me this ____ day of ____ 20__, by _____, on behalf of the company.

Notary Public, Olmsted County, MN
 My Commission Expires _____

In witness whereof, said Wells Fargo Bank N.A., a National Association, has caused these presents to be signed by its proper officer this ____ day of ____ 20__.

By: _____
 Title: _____

STATE OF MINNESOTA
 COUNTY OF OLMSTED

The foregoing instrument was acknowledged before me this ____ day of ____ 20__, by _____, on behalf of the bank.

Notary Public, Olmsted County, MN
 My Commission Expires _____

STATE OF MINNESOTA
 COUNTY OF OLMSTED
 CITY OF ROCHESTER

I, Judy K. Schurr, City Clerk, in and for the City of Rochester, do hereby certify that on the ____ day of ____ 20__, the accompanying plat was duly approved by the Common Council of the City of Rochester. In testimony whereof, I have hereunto signed my name and affixed the Seal of said City of Rochester this ____ day of ____ 20__.

Judy K. Schurr
 City Clerk

COUNTY SURVEYOR

I certify that this plat has been checked mathematically and that the plat conforms to applicable plotting laws.
 This ____ day of ____ 20__.

Edward P. Kuhn
 Olmsted County Surveyor

SURVEYOR'S CERTIFICATE

I do hereby certify that I have surveyed and plotted the property described on this plat as NORTHVIEW THIRD SUBDIVISION; that the plat is a correct representation of said survey; that all distances are correctly shown as said plat is laid and handwritten of a foot; that all monuments have been correctly placed in the ground as shown or will be correctly placed in the ground by June 31, 2004; that the outside boundary lines are correctly designated; and that there are no setbacks as defined in MS 503.02, Subd. 1, or public highways to be designated on said plat other than as shown.

Peter C. Oulaker
 Minnesota L.S. No. 41887

STATE OF MINNESOTA
 COUNTY OF OLMSTED

The foregoing Surveyor's Certificate was acknowledged before me this ____ day of ____ 20__, by Peter C. Oulaker, L.S. No. 41887.

Notary Public, Olmsted County, MN
 My Commission Expires _____

PROPERTY RECORDS AND LICENSING

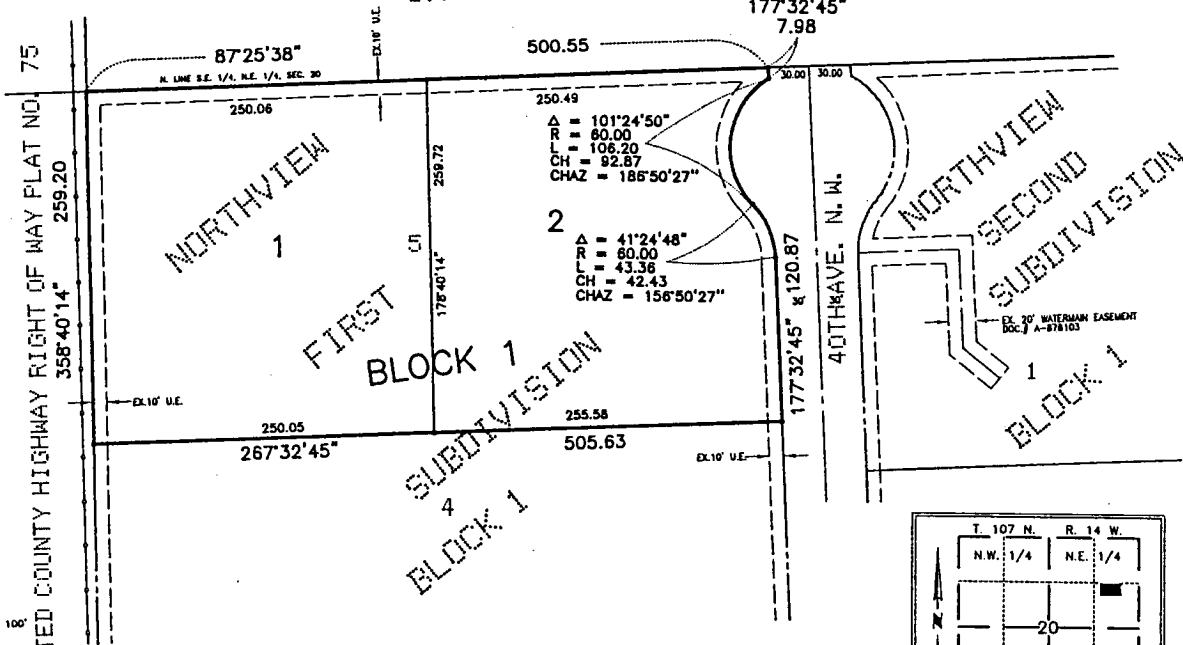
Taxes payable in the year 20__ on the land herein described have been paid, there are no delinquent taxes and transfer has been entered this ____ day of ____ 20__.

Document Number _____

I hereby certify that this instrument was filed in the Office of Property Records and Licensing for record on this ____ day of ____ 20__ at ____ o'clock ____ m. and was duly recorded in Olmsted County Records.

Olmsted County Director of
 Property Records and Licensing
 By: _____ Deputy

WEST CIRCLE DRIVE N.W.
 C.S.A.H. NO. 122
 OLSTED COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 75
 358'40"14" 259.20



UTILITY EASEMENT DEFINED

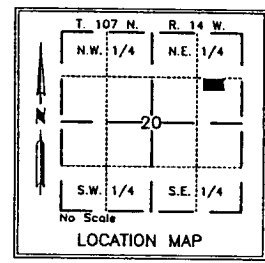
An unobstructed easement for the construction and maintenance of all necessary overhead, underground or surface public utilities, including rights to conduct drainage and wiring on said easement.

U.E. = UTILITY EASEMENT

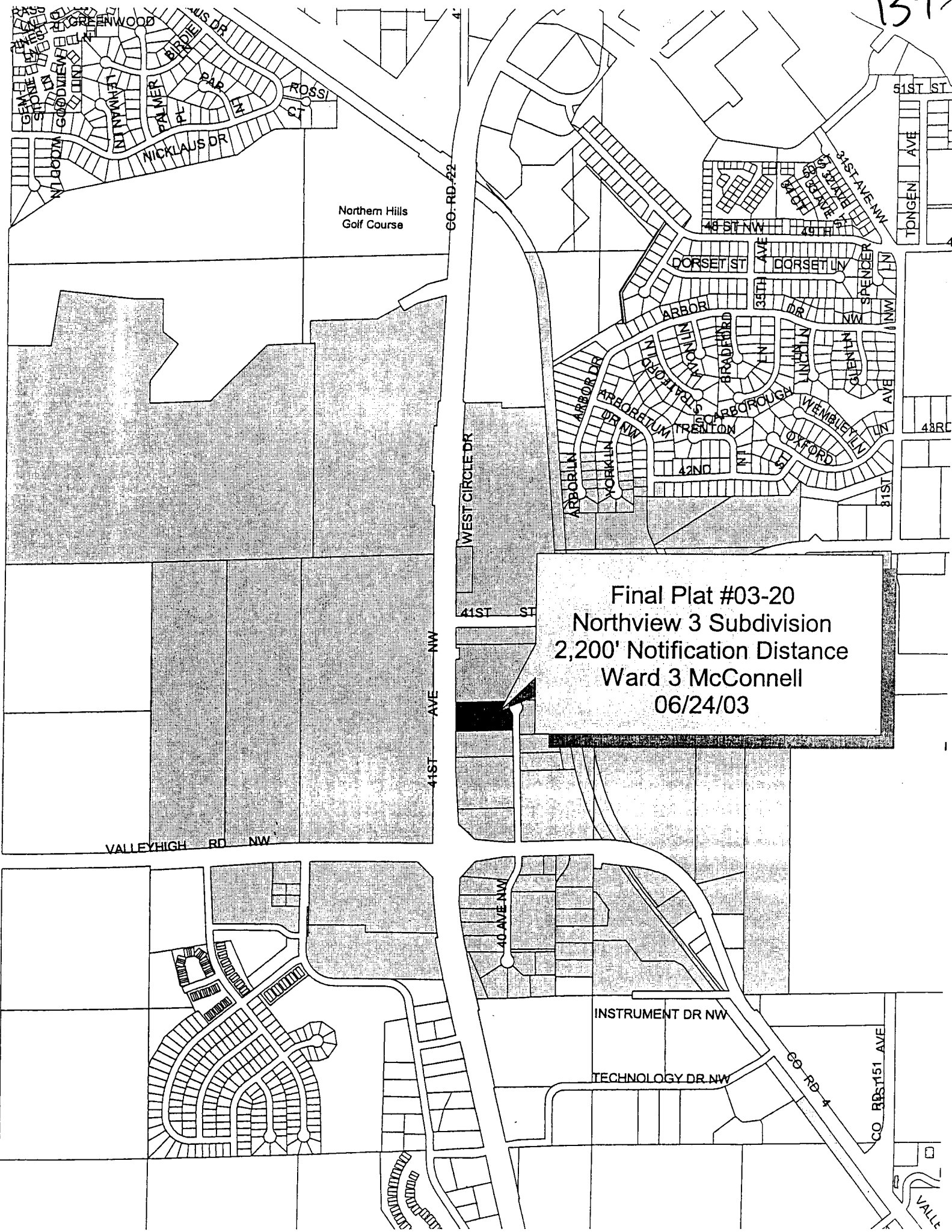
CONTROLLED ACCESS DEFINED

Ingress and egress to, from or across the abutting roadway is restricted by the road authority pursuant to Minnesota State Statute 160.06.

→ → → → → CONTROLLED ACCESS



PROJECT NUMBER: 8333
 COMPUTER FILE: 8333 PPL107.DWG
 DATE: 06/17/03
 DESCRIPTION: JWP

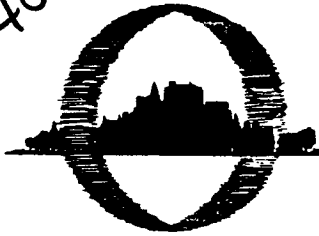


Final Plat #03-20
Northview 3 Subdivision
2,200' Notification Distance
Ward 3 McConnell
06/24/03

140

ROCHESTER-OLMSTED PLANNING DEPARTMENT

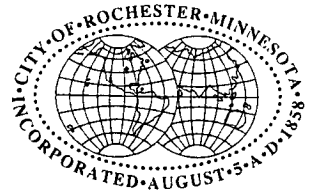
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Theresa Fogarty, Planner

DATE: July 1, 2003

RE: Final Plat #03-20 to be known as Northview Third Subdivision by HCS, LLC. The applicant is proposing to re-subdivide Lot 5, Block 1, Northview First Subdivision into 2 lots for development. The property is located along the east side of West Circle Drive, along the west side of 40th Avenue NW and north of Valleyhigh Road NW.

Planning Department Review:

Applicant/Owner:

HCS, LLC
400 South Broadway, Suite 100
Rochester, MN 55904

Surveyors/Engineers:

Yaggy Colby Associates
717 Third Avenue SE
Rochester, MN 55904

Referral Comments:

Rochester Public Works Department
Rochester Fire Department
Rochester Public Utility Department – Water Division
Rochester Public Utility Department – Operations
Planning Department – GIS Division

Report Attachments:

1. Location Map
2. Copy of Final Plat
3. Referral Comments (5 letters)

Development Review:

Location of Property:

The property is located along the east side of West Circle Drive, along the west side of 40th Avenue NW and north of Valleyhigh Road NW.

Zoning:

The property is currently zoned M-1 (Mixed Commercial Industrial) district on the City of Rochester Zoning Map.

Proposed Development:

This development consists of re-subdividing Lot 5, Block 1, Northview First Subdivision into 2 lots for development.



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Roadways:

There are no new roadways being dedicated with this Plat.

Since no access will be allowed from West Circle Drive NW to Lot 1, Block 1, evidence of an access easement across proposed Lot 2, Block 1, shall be provided prior to Final Plat approval.

Pedestrian Facilities:

As previously approved for Northview Subdivision, there are no pedestrian facilities required along the frontage of 40th Avenue NW, but construction of a 10' wide bituminous pedestrian path shall be required along the entire frontage abutting West Circle Drive NW, concurrent with the development of Lot 1, Block 1.

Drainage:

Grading and Drainage Plan approval shall be required for individual lot development and a Storm Water Management Fee is applicable to any areas of impervious surface that do not drain to the existing privately constructed detention facilities serving the Northview Subdivisions.

Wetlands:

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. Based on the Soil Survey, no hydric soils exist on the site.

Public Utilities:

Additional public utility easement will be required to provide Lot 1 with water service. The public utility easements shall be dedicated prior to the development of these lots once the alignment is known.

The owner/developer shall be responsible for the expense of any existing electric facilities that may need to be relocated as a result of this re-subdivision.

Spillover Parking:

Parking for the development of each lot will be determined at the time of Site Plan Development Review.

Parkland Dedication:

The property will not be used for residential development, therefore there are no parkland dedication requirements.

Preliminary Plat:

According to Section 61.221 of the Land Development Manual "A subdivision in which all proposed lots front on a platted or dedicated street right-of-way and no major changes to the right-of-way are proposed may be exempted from the requirements of this paragraph (Land Subdivision Permit).

Planning Staff Review and Recommendation:

The Planning Staff has reviewed the submitted final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, Section 61.225 and would recommend approval subject to the following modifications / conditions:

- 1. Prior to recording, the final plat shall be revised, as follows:**
 - a. Provide an additional utility easement providing water service to Lot 1, as requested by Rochester Public Utility Water Division Memorandum dated June 18, 2003 and Operations Division Memorandum dated June 24, 2003.**
- 2. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the June 25, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.**
- 3. Prior to recording the Final Plat, the owner/developer shall provide evidence of an access easement across proposed Lot 2, Block 1.**
- 4. Grading and Drainage Plan approval shall be required for individual lot development, and a Storm Water Management fee is applicable to any areas of impervious surface that do not drain to the existing privately constructed detention facilities serving the Northview Subdivision.**
- 5. The Owner/Developer shall construct a 10' wide bituminous pedestrian path along the entire frontage abutting West Circle Drive NW, concurrent with the development of Lot 1, Block 1.**
- 6. The owner/developer shall be responsible for the expense of any existing electric facilities that may need to be relocated as a result of this re-subdivision.**

Reminder to Applicant:

- Prior to development, the property owner will need to execute a City / Owner Contract for construction of all public infrastructure and utilities to serve this subdivision, including fire hydrants to be located within 400 feet of all portions of a building constructed on these lots.**

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 6/30/03

The Department of Public Works has reviewed the application for a Final Plat #03-20 for the proposed Northview Third Subdivision. The following are Public Works comments on this request:

1. Since no access will be allowed from West Circle Dr NW to Lot 1, Block 1, evidence of an access easement across proposed Lot 2, Block 1 should be provided prior to Final Plat approval.
2. If the extension of public watermain, and/or the addition of hydrant(s) is required for individual lot development, the execution of a City-Owner Contract will be required.
3. Grading & Drainage Plan approval will be required for individual lot development, and a Storm Water Manage fee is applicable to any areas of impervious surface that do not drain to the existing privately constructed detention facilities serving the Northview subdivisions.
4. As previously approved for Northview Subdivision, there are no pedestrian facilities required along the frontage of 40th Ave NW, but construction of a 10 foot wide bituminous pedestrian path will be required along the entire frontage abutting West Circle Dr NW, concurrent with development of Lot 1, Block 1.

Development Charges applicable to development of this Property include:

- ❖ NOTE: This Property has previously paid for J9393 for Sanitary Sewer & Watermain Extension to serve the Property
- ❖ J9349 Trunkline Sanitary Sewer @ \$828.50 per acre + 7.5% interest from 11/18/96 until paid (10 years max.)
- ❖ Water Availability Charge (WAC) @ \$1790.25 per acre
- ❖ Storm Water Management – for any areas that do not drain to the existing privately constructed detention facilities

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The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: June 25, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: Final Plat #03-20 to be known as Northview Third Subdivision by HCS, LLC. The applicant is proposing to re-subdivide Lot 5, Block 1 Northview First Subdivision into 2 lots for development.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
 - A fire hydrant is required to be within 400 feet of all portions of a building constructed on these lots.
 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 3. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division
HCS, LLC – 400 S Broadway, Suite 100 – Rochester, MN 55904
Yaggy Colby Assoc – 717 3rd Ave SE – Rochester, MN 55904



145

June 24, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Final Plat #03-20 by HCS, LLC to be known as Northview Third Subdivision.

Dear Ms. Garness:

Our review of the referenced final plat is complete and our comments follow:

1. Additional public utility easements will be required to provide Lot 1 with water service.
These must be dedicated prior to the development of these lots once the alignment is known.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Yaggy Colby Associates
HCS, LLC



we pledge, we deliver

DATE: June 30, 2003

TO: Jennifer Garness, Planning Dept.
Rochester-Olmsted Planning Dept.

FROM: Michael J. Engle, Supv. of Distribution Design
Rochester Public Utilities
280-1579

SUBJECT: Final Plat #03-20 to be known as Northview Third Subdivision by HCS, LLC. The applicant is proposing to re-subdivide Lot 5, Block 1 Northview First Subdivision into 2 lots for development. The property is located along the east side of West Circle Drive, along the west side of 40th Avenue NW and north of Valleyhigh Road NW.

RPU's Operations Division review of the above-referenced final plat is complete and our comments follow:

1. Electric distribution facilities were installed to serve this property as it was originally platted, Northview Second Subdivision. If any of the existing electric facilities need to be relocated as a result of this re-subdivision, it will be at the owner/developer's expense.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael J. Engle', written in a cursive style.

la
c. HCS, LLC
Yaggy Colby Associates

1.28

REQUEST FOR COUNCIL ACTION

MEETING
07-07-03

149-

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO. E-6
ITEM DESCRIPTION: Final Plat #03-21 to be known as Stonehedge Townhomes Second CIC #231 by Countryside Builders & Real Estate. The Applicant is proposing to re-subdivide Lots 1 through 29, Block 1 Stonehedge Townhomes CIC #202 into 29 lots. The property is being replatted to allow decks to be built on the dwellings. The property is located north of East Circle Drive and along the west side of Stonehedge Drive NE.		PREPARED BY: Theresa Fogarty, Planner

July 1, 2003

Staff Recommendation:

Staff would recommend approval subject to the following conditions:

1. Any private roadways less than 36 feet in width shall be posted "No Parking" along one side of the roadway and any roadways less than 28 feet in width shall be posted "No Parking" along both sides of the roadway.
2. A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the June 25, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.
3. Parkland Dedication for this CIC was met via the July 15, 2000 approval of CIC 202. Dedication of parkland to be in the form of land dedication with dedication to be met by future dedication of neighborhood park identified on the GDP. Dedication to occur when the park site is accessed via public street or the Park Department wishes to begin development of the site. No additional dedication required of this plat.

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.

Attachment:

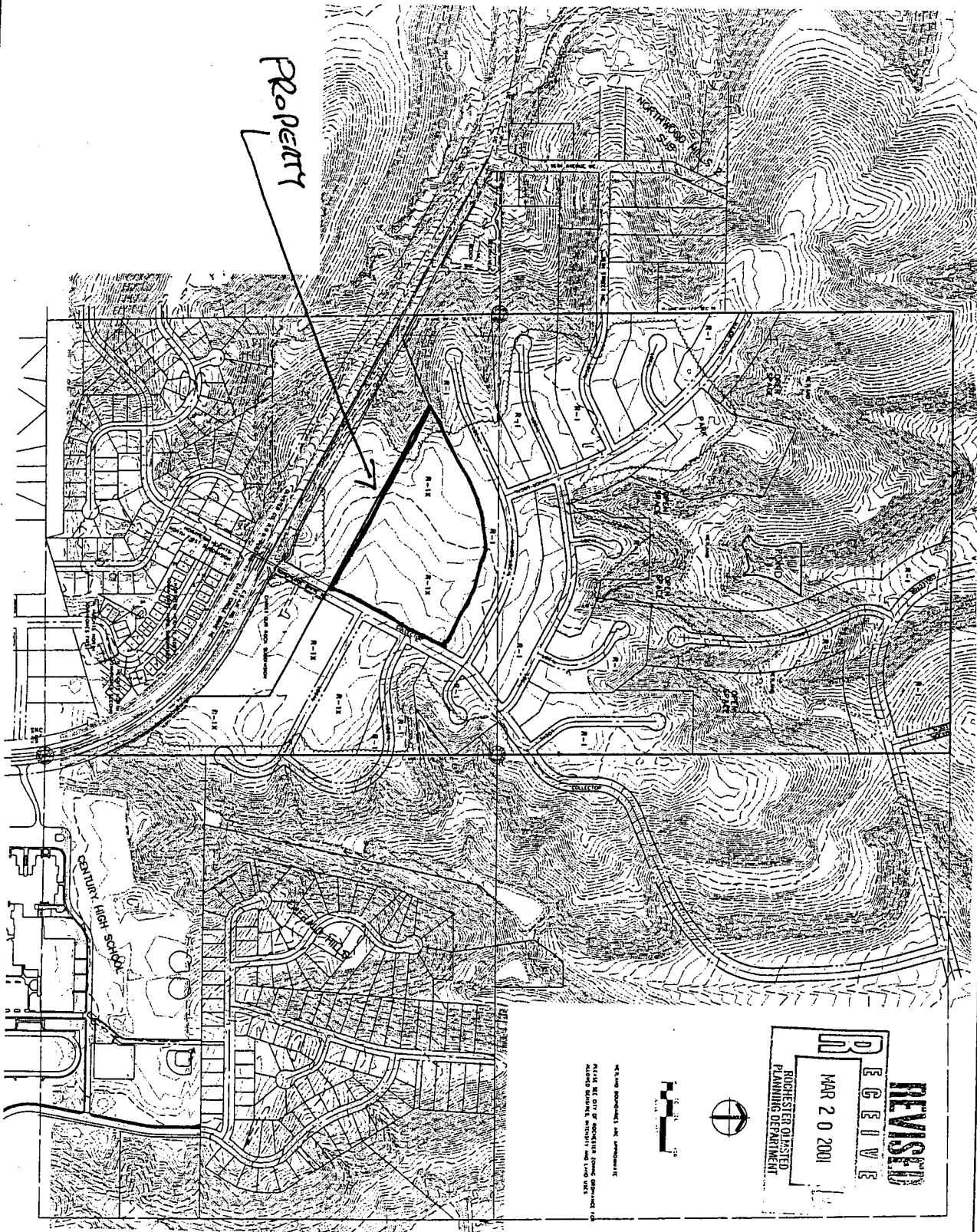
1. Staff Report, dated July 1, 2003

Distribution:

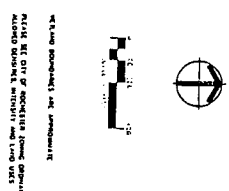
1. City Attorney
2. Planning Department File
3. Yaggy Colby Associates
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, July 7, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

Property



REVISED
RECEIVED
MAR 20 2001
ROCHESTER PLANNING DEPARTMENT



ALL LOTS AND ROADS SHOWN ARE APPROXIMATE
BASED ON CITY OF ROCHESTER PLANNING DEPARTMENT
AERIAL PHOTOGRAPHY, SURVEY AND LAND DATA

STONEHEDGE ESTATES ROCHESTER, MINNESOTA

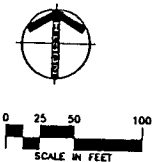
GENERAL DEVELOPMENT PLAN

YAGGY COLBY ASSOCIATES

ARCHITECTS • ENGINEERS
PLANNERS • LANDSCAPE ARCHITECTS
111 FARM ROAD, SUITE 100, ROCHESTER, MN 55901
TEL: 507-251-1111
FAX: 507-251-1112
WWW.YAGGYCOLBY.COM

NO.	DATE	DESCRIPTION
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50	11/18/00	50.18

150



STONEHEDGE TOWNHOMES SECOND COMMON INTEREST COMMUNITY NUMBER 231



YAGGY COLBY
ASSOCIATES
SURVEYORS • ARCHITECTS
PLANNERS
LANDSCAPE ARCHITECTS
111 THIRD AVENUE SUITE 1000
MINNEAPOLIS, MN 55401
TEL: 612.338.1111
FAX: 612.338.1111
WWW.YAGGYCOLBY.COM

MONUMENTS

- Set 1/2" Rebars
- Set 3/4" Iron Pipes
- Found Monuments (Pipe, Rod, Etc.)

All monuments set have a plastic cap stamped L.S. 22122.

BEARINGS

Bearings are Minnesota State Plane Grid Azimuths measured to the right from grid north.

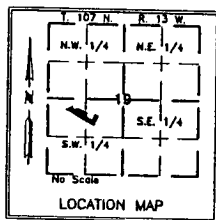
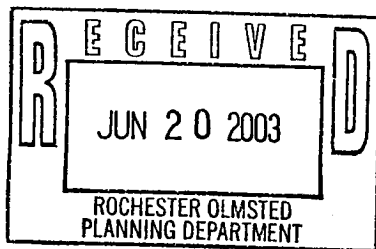
STONEHEDGE
ESTATES
SUBDIVISION

STONEHEDGE

TOWNHOMES

CIC NO 202

OUTLOT "A"



UTILITY EASEMENT DEFINED

An unobstructed easement for the construction and maintenance of all necessary overhead, underground or surface public utilities, including rights to conduct drainage and trimming on said easement.

U.E. = UTILITY EASEMENT

CONTROLLED ACCESS DEFINED

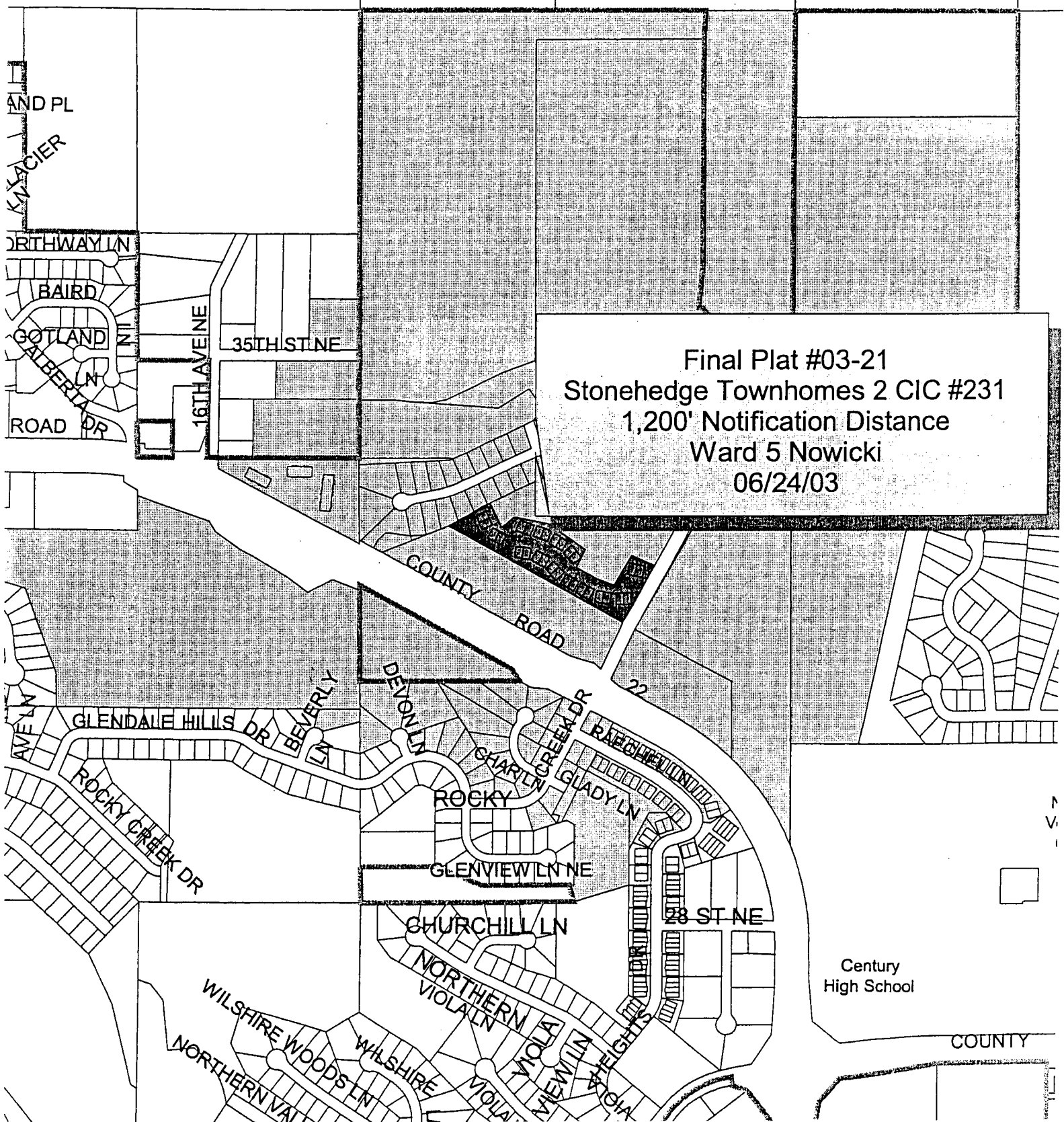
Ingress and egress to, from or across the abutting roadway is restricted by the road authority pursuant to Minnesota State Statute 160.06.

— = CONTROLLED ACCESS

A utility easement is dedicated over all of Lot 29.

151

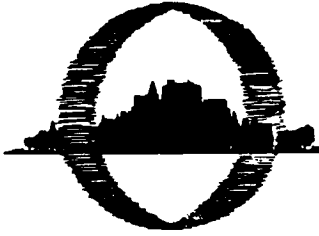
152



Final Plat #03-21
Stonehedge Townhomes 2 CIC #231
1,200' Notification Distance
Ward 5 Nowicki
06/24/03

Century
High School

COUNTY



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted

www.olmstedcounty.com/planning



153 -

TO: Rochester Common Council

FROM: Theresa Fogarty, Planner

DATE: July 1, 2003

RE: Final Plat #03-21 to be known as Stonehedge Townhomes Second CIC 231 by Countryside Builders & Real Estate. The Applicant is proposing to re-subdivide Lots 1 through 29, Block 1 Stonehedge Townhomes CIC 202 into 29 lots. The property is being replatted to allow decks to be built on the dwellings. The property is located north of East Circle Drive and along the west side of Stonehedge Drive NE.

Planning Department Review:

Applicant/Owner: Tammy Sternberg
Countryside Builders
P.O. Box 776
Byron, MN 55920

Surveyors/Engineers: Yaggy Colby Associates
717 Third Avenue SE
Rochester, MN 55904

Referral Comments: Rochester Fire Department
Rochester Park & Recreation Department
Planning Department – GIS Division

Report Attachments:

1. Location Map
2. Copy of Final Plat
3. Referral Comments (3 letters)
4. Stonehedge Estates General Development Plan

Development Review:

Location of Property: The property is located north of East Circle Drive and along the west side of Stonehedge Drive NE.

Zoning: The property is currently zoned R-1x (Mixed Single Family Extra) district on the City of Rochester Zoning Map.

Proposed Development: This development consists of re-subdividing Lots 1 through 29, Block 1 Stonehedge Townhomes CIC 202 into 29 lots.



Roadways:

There are no new roadways being dedicated with this Plat. The property has access to Stonehedge Drive NE. The roadways serving the townhomes will be private.

Any roadways less than 36 feet in width shall be posted "No Parking: along one side of the roadway. Any roadways less than 28 feet shall be posted "No Parking: along both sides of the roadway.

Pedestrian Facilities:

In accordance with current City policy Pedestrian Facilities and the A Development Agreement has been executed for this property which addresses the requirements of pedestrian facilities.

Drainage:

The Grading and Drainage Plans have been approved for CIC 202.

Wetlands:

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. Based on the Soil Survey, no hydric soils exist on the site.

Public Utilities:

Final utility construction plans have been approved for CIC 202.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 35 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

Parkland Dedication:

Dedication for this CIC was met via July 15, 2002 approval of CIC 202.

Dedication to be in the form of land dedication with dedication to be met by future dedication of neighborhood park identified on the General Development Plan. Dedication to occur when the park site is accessed via public street or the Park Department wishes to begin development of the site.

No additional dedication required of this plat.

General Development Plan:

This proposed plat is consistent with the approved Stonehedge Estates General Development Plan.

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Preliminary Plat:

According to Section 61.221 of the Land Development Manual "A subdivision in which all proposed lots front on a platted or dedicated street right-of-way and no major changes to the right-of-way are proposed may be exempted from the requirements of this paragraph (Land Subdivision Permit).

Planning Staff Review and Recommendation:

A Development Agreement has been executed for this property. The Planning Staff has reviewed this final plat in accordance with the Rochester Zoning Ordinance and Land Development Manual, and would recommend approval subject to the following conditions or modifications:

1. ***Any private roadways less than 36 feet in width shall be posted "No Parking" along one side of the roadway and any roadways less than 28 feet in width shall be posted "No Parking" along both sides of the roadway.***
2. ***A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the June 25, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.***
3. ***Parkland Dedication for this CIC was met via the July 15, 200 approval of CIC 202. Dedication of parkland to be in the form of land dedication with dedication to be met by future dedication of neighborhood park identified on the GDP. Dedication to occur when the park site is accessed via public street or the Park Department wishes to begin development of the site. No additional dedication required of this plat.***

NOTE: The terms of the Development Agreement previously executed for Final Plat CIC 202 still apply to this Final Plat Stonehedge Townhomes Second CIC #231.



ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

M E M O R A N D U M

DATE: June 25, 2003
TO: Jennifer Garness
Planning
RE: Stonehedge Townhomes 2nd CIC #231
Final Plat #03-21

Dedication for this CIC was met via the July 15, 2002 approval of CIC 202.

Dedication to be in the form of land dedication with dedication to be met by future dedication of neighborhood park identified on GDP. Dedication to occur when the park site is accessed via public street or the Park Department wishes to begin development of the site.

No additional dedication required of this plat.

Applicant:
Countryside Builders
P O Box 776
Byron, MN 55920



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: June 25, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher – Fire Protection Specialist

SUBJ: Final Plat #03-21 to be known as Stonehedge Townhomes Second CIC 231 by Countryside Builders & Real Estate. The applicant is proposing to re-subdivide Lots 1 through 29, Block 1 Stonehedge Townhomes CIC 202 into 29 lots. The property is being replatting to allow decks to be built on the dwellings.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - Streets less than 36 feet in width shall be posted "No Parking" along one side of the street.
 - Streets less than 28 feet in width shall be posted "No Parking" along both sides of the street.
3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division
Tammy Sternberg – Countryside Builders – PO Box 776 – Byron, MN 55920
Yaggy Colby Assoc – 717 3rd Ave SE – Rochester, MN 55904

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Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: June 25, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald; Wade Dumond

RE: **STONEHEDGE TOWNHOMES SECOND
COMMON INTEREST COMMUNITY #231
FINAL PLAT**

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE: \$560.00 (28 LOTS/ADDRESSES)

GIS IMPACT FEE: \$345.00 (29 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. Upon review of **STONEHEDGE TWONHOMES SECOND CIC #231** the GIS / Addressing staff has found no issues to bring forth at this time.

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 7/07/03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING DEPARTMENT	ITEM NO. E-7
ITEM DESCRIPTION: Type III, Phase I (#03-02) Appeal of the Type III, Phase I (#03-09) Variance Denial		PREPARED BY: Randy Klement Planner

June 24, 2003

Rochester Zoning Board of Appeals Recommendation:

On June 4, 2003, the Rochester Zoning Board of Appeals denied the variance request of the applicant, Marc and Pam Shaft, for the property located at 1223 SW 36th Street. The property is in the R-1 (Mixed Single Family Residential) zoning district.

The applicant had requested a variance to allow for the construction of a house addition that will encroach into the minimum required rear yard. The Rochester Zoning Board of Appeals denied the variance request.

Council Action Requested:

Approve or deny the variance appeal by the applicant based on the original staff report and attachments submitted to the Rochester Zoning Board of Appeals at their June 4, 2003 meeting.

Attachments:

1. Copy of Minutes of the June 4, 2003, Rochester Zoning Board of Appeals meeting.
2. Copy of Staff Report and all attachments submitted to the Rochester Zoning Board of Appeals, dated May 27, 2003.

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File
5. Applicant: This item will be considered by the Council sometime after 7:00 p.m. on Monday, July 7, 2003, in the Council/Board Chambers at the Government Center, 151 SE 4th Street.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

Type III, Phase I, Variance Request #03-09 by Marc and Pam Shaft, to allow for the construction of a house addition that will encroach into the minimum required rear yard. The property is located at 1223 SW 36th Street and is in the R-1 (Mixed Single Family) Zoning District.

Mr. Klement presented the staff report dated May 27, 2003. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Mark Shaft of 1223 36th ST SW, Rochester, MN addressed the Board. He stated that he was a big game hunter and collected trophies. He stated that one of the reasons he purchased his house was because of the 12-ft high interior wall space for displaying his collection. He stated that the property was in a beautiful neighborhood and there was 26 acres of woods behind the house that was not zoned residential because it was within a watershed area. He stated that none of his neighbors objected to the addition.

Discussion ensued regarding the setback distances between the house and the property line.

Mr. Bagniefski asked if the Board could consider the fact that there would not be future development behind the house for the variance.

Mr. Klement replied no. He stated that the property behind the applicant's property was zoned R-1 and there was potential for future development.

Mr. Bagniefski asked the applicant why he could not build the addition within the 14-foot width.

Mr. Shaft replied that the great room needed to be large enough to allow for his trophy collection and he needed to incorporate a stairway because the house was multilevel.

Mr. Ohly explained the process of how the Board of Appeals could only grant a variance based on exceptional circumstances related to the physical property. The Board could not grant a variance based on personal possessions. He stated that the need to display a collection was not an exceptional circumstance related to the property.

Mr. Shaft replied that the value of his property had increased 80% since 1993 and that he could not afford to re-build the house in another location. He stated that they had minimized their original addition plan down from 20-feet wide to 16-feet. He stated that the house was built 25-feet from the road and the minimum variance for the house setback could have been 20-feet. The house was in process of being built when he signed the papers to close the loan on the property.

Mr. Ohly stated that the house being setback farther than the minimum 20 feet could be considered an exceptional circumstance related to the property.

Mr. Shaft replied yes.

Mr. Ohly stated that the applicant could have had the opportunity to move the house forward, but the house was already under construction when he purchased it.

Mr. Shaft replied yes. The setback choice had already been made and he could not change it.

Mr. Ohly stated that the house was setback 25 feet with the intention of making the neighborhood more visually appealing.

Mr. Shaft stated that, if the house had been set back 20 feet, he would not need a variance today.

Discussion ensued regarding the setback distances of the houses in the neighborhood.

Mr. Bagniefski asked if the applicant had relied on the builder to choose the setback of the house.

Mr. Shaft replied that, at the time he bought the house, he did not think about the setback of the house. He explained that it was not until he started the process of adding the addition that he discovered that the house had been set back too far.

Mr. Ohly closed the public hearing.

Mr. Bagniefski made a motion to deny variance request #03-09 by Marc & Pam Shaft based on staff findings. Mr. Langanki seconded the motion. The motion carried 3-1 with Mr. Ohly voting nay.

FINDINGS:

EXCEPTIONAL CIRCUMSTANCES: There does not appear to be an exceptional circumstance or condition that applies to the applicant's property that may not apply generally to other properties in the same zoning district. The proposed addition can be reduced in size and still meet the rear yard setback. Although the existing attached garage was not setback from the front lot line 20' as permitted by the zoning ordinance, the lot depth of approximately 115' does exceed the lot depth of 100' for a single family detached dwelling in the R-1 zoning district on a lot with a lot width of 60'. A single family detached dwelling in the R-1 zoning district requires a minimum lot size of 6,000 square feet with a minimum width at the building line of 60'.

REASONABLE USE: The granting of this variance request would not appear to be necessary to allow for the reasonable use of the applicant's property. The proposed addition can be reduced in size and still meet the rear yard setback.

ABSENCE OF DETRIMENT: The granting of this variance request is not materially detrimental to the public welfare or visually detrimental to the adjacent property but would be detrimental to the intent and purpose of the zoning ordinance.

Type III, Phase I, Variance Request #03-10 by Platinum Development Group to exceed the permitted number of Residential Development Identifications Signs for the Folwell Ridge Subdivision, which is located east of 23rd Avenue SW, north of Baihly Heights Second Subdivision and west of Folwell West Third Subdivision. The property is located in the R-1 (Mixed Single Family) Zoning District.

Mr. Klement presented the staff report dated May 29, 2003. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Klement stated that the Folwell Ridge Subdivision was allowed one set of signs into the subdivision and was asking for a variance to add an additional set of signs. He explained that the proposed signs would be located in the right-of-way and would require a revocable permit from the City. He explained the elevations, layout, and the design of the proposed signs. He stated that the Board needed to decide if there was enough merit to allow for a second set of signs for the subdivision.

Mr. Ohly asked if the other issues regarding the easements and right-of-way would be addressed at a later time.

Mr. Klement replied yes. The applicant would have to work out the right-of-way and utility easement issues with the Public Works Department and Rochester Public Utilities.

Mr. Langanki asked how far apart were the two entrances.

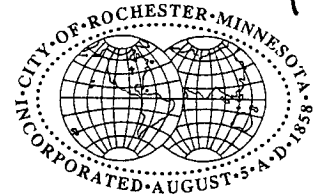
Mr. Klement replied approximately 2000 feet.

Mr. Bagniefski asked if the Board had ever granted variances in the past based on the configuration for a development for two entrances.

Mr. Klement replied that he was not aware of any other time when a developer had requested an additional set of signs.

Mr. Ohly opened the public hearing.

Mr. Brad King of 612 Hill Ave, Rochester, MN addressed the Board. He stated that his property was the last house that was built in the subdivision and would be north of the



TO: Rochester Zoning Board of Appeals
FROM: Randy Klement, Planner *R-K*
DATE: May 27, 2003
RE: Variance (Type III, Phase I), #03-09

ROCHESTER-OLMSTED
PLANNING DEPARTMENT
2122 CAMPUS DR SE
ROCHESTER MN 55904-4744
ADMINISTRATION/PLANNING 507/285-8232
GIS/ADDRESSING/MAPPING 507/285-8232
HOUSING/HRA 507/285-8224
BUILDING CODE 507/285-8213
WELL/SEPTIC 507/285-8345
FAX 507/287-2275

Planning Department Review:

APPLICANT: Marc and Pam Shaft
1223 SW 36th Street
Rochester, MN 55902

LOCATION OF PROPERTY: Lot 32, Block 8, Bamber Ridge Subdivision

ZONING: R-1 (Mixed Single Family Residential Zoning District)

REFERRAL AGENCY COMMENTS: Attached

ANALYSIS:

The applicant is proposing to construct a 16' x 36' house addition and a 16' x 9'8" deck to the rear of the existing dwelling. The proposed addition will encroach to within 22'6" of the rear lot line on the north side of the property.

According to Section 62.222 – R-1 Site Appearance Standards of the City of Rochester Zoning Ordinance and Land Development Manual: The minimum rear yard for a single family detached dwelling is twenty-five feet (25'). The proposed house addition will encroach to within 22.5' of the rear lot line. The proposed open deck is considered an accessory structure and permitted to encroach into the rear yard.

The applicant requests:

- a variance of 2'6" to the minimum rear yard.

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The Planning staff suggested findings are:

EXCEPTIONAL CIRCUMSTANCES: There does not appear to be an exceptional circumstance or condition that applies to the applicant's property that may not apply generally to other properties in the same zoning district. The proposed addition can be reduced in size and still meet the rear yard setback. Although the existing attached garage was not setback from the front lot line 20' as permitted by the zoning ordinance, the lot depth of approximately 115' does exceed the lot depth of 100' for a single family detached dwelling in the R-1 zoning district on a lot with a lot width of 60'. A single family detached dwelling in the R-1 zoning district requires a minimum lot size of 6,000 square feet with a minimum width at the building line of 60'.

REASONABLE USE: The granting of this variance request would not appear to be necessary to allow for the reasonable use of the applicant's property. The proposed addition can be reduced in size and still meet the rear yard setback.

ABSENCE OF DETRIMENT: The granting of this variance request is not materially detrimental to the public welfare or visually detrimental to the adjacent property but would be detrimental to the intent and purpose of the zoning ordinance.

MINIMUM VARIANCE: The minimum variances that would be necessary to alleviate the alleged hardship would be a variance to the minimum rear yard. This finding would not pertain in the case of denial.

Attachments:

1. Copy of Application
2. Copy of Applicant's Site Plan
3. Copy of Applicant's Site Survey
4. Copy of Site Location Map
5. Copy of Referral Comments
6. Copy of Findings for a Variance

Reviewed by: 

Marc & Pam Shaft
1223 36th Street SW
Rochester, MN 55902

Type III Phase I Variance

05/13/03

165-

Legal Description:

Lot 32, Block 8, Bamber Ridge, City of Rochester, Olmsted County, Minnesota

Reason for application:

We respectfully request a 2-1/2' variance (*) for building an addition to our home that would include: a Sunroom, Family/Great Room, & Deck. We feel that the additional living space while increasing the value of our property (and taxes) can be accomplished with harmonious consideration of our neighborhood.

(*) Please see Plot, Photo's and Building Plans attached

Our intent since purchasing our Builders spec home in March 1993 was to add on in the future as our family, income, and interests grew.

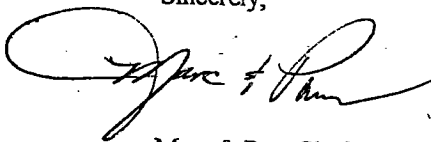
While working with contractors as a result of visiting the annual builders show in Rochester it was pointed out to us that we would need to get a variance if we wanted to add on a 20' deep addition. This information prompted me to meet with Rochester Zoning in January.

During this meeting, I learned that city zoning allowed a home to be set back 20' from the front and 25' in the back. Our hopes of adding on a 20' addition would require a 6' variance as our home is 39' from our back lot line. In short, a 14' addition could be built by code without a variance. I also learned that our home had unfortunately been set back from the front 24.9' (4.9' more than it need to be by code).

Since that time, my wife Pam and I have continued to work with our contractor, draftsman, and our neighbors to help us "maximize" our potential new living space while "minimizing" our variance request. As a result we believe that under the circumstances a 2-1/2' variance allowing us to build on a 16' addition does in fact help minimize the cities variance while helping to improve our neighborhood.

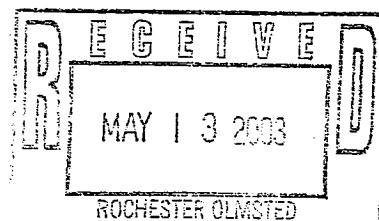
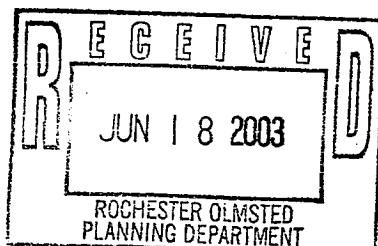
Your thoughtful consideration of this variance request is greatly appreciated.

Sincerely,



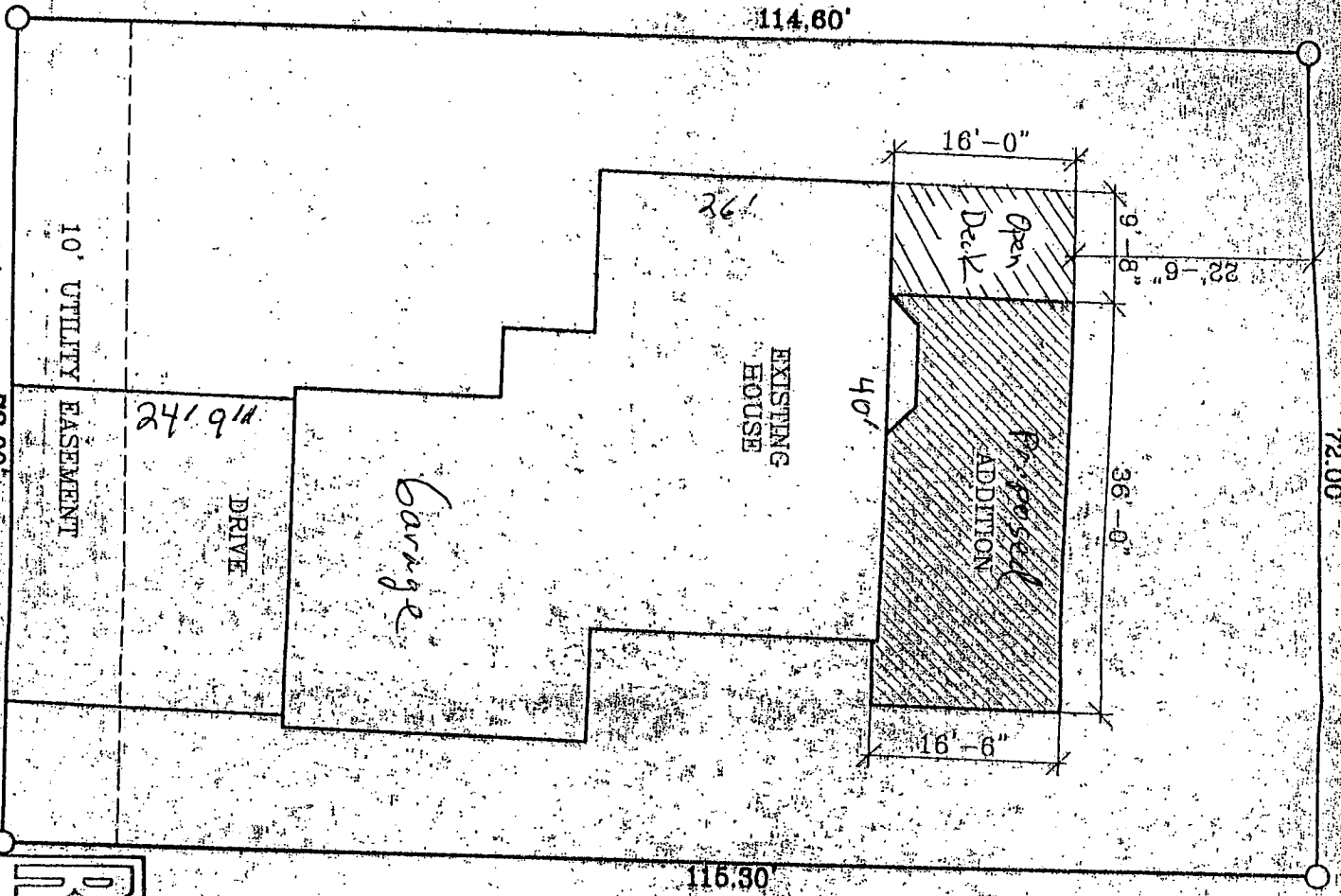
Marc & Pam Shaft

Note: It has also been our understanding that the 26 acres of woods that borders our property to the north is still not zoned for residential building as the property lies within a watershed type area. However, should this change we believe that the step topography and shape of neighboring lots would make this minimal variance unobtrusive to both our current and potential future neighbors.



1166

Applicant's
C.H. Plan



36TH STREET S.W.

RECEIVED
MAY 13 2003
ROCHESTER PLANNING DEPARTMENT

RECEIVED
JUN 18 2003
ROCHESTER OLIMPIED
PLANNING DEPARTMENT

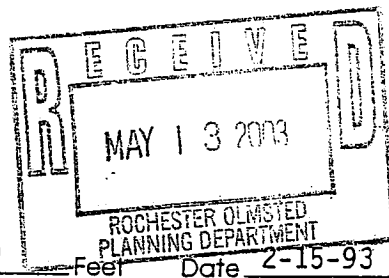
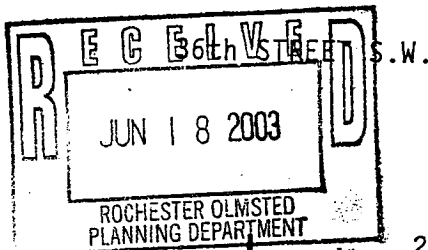
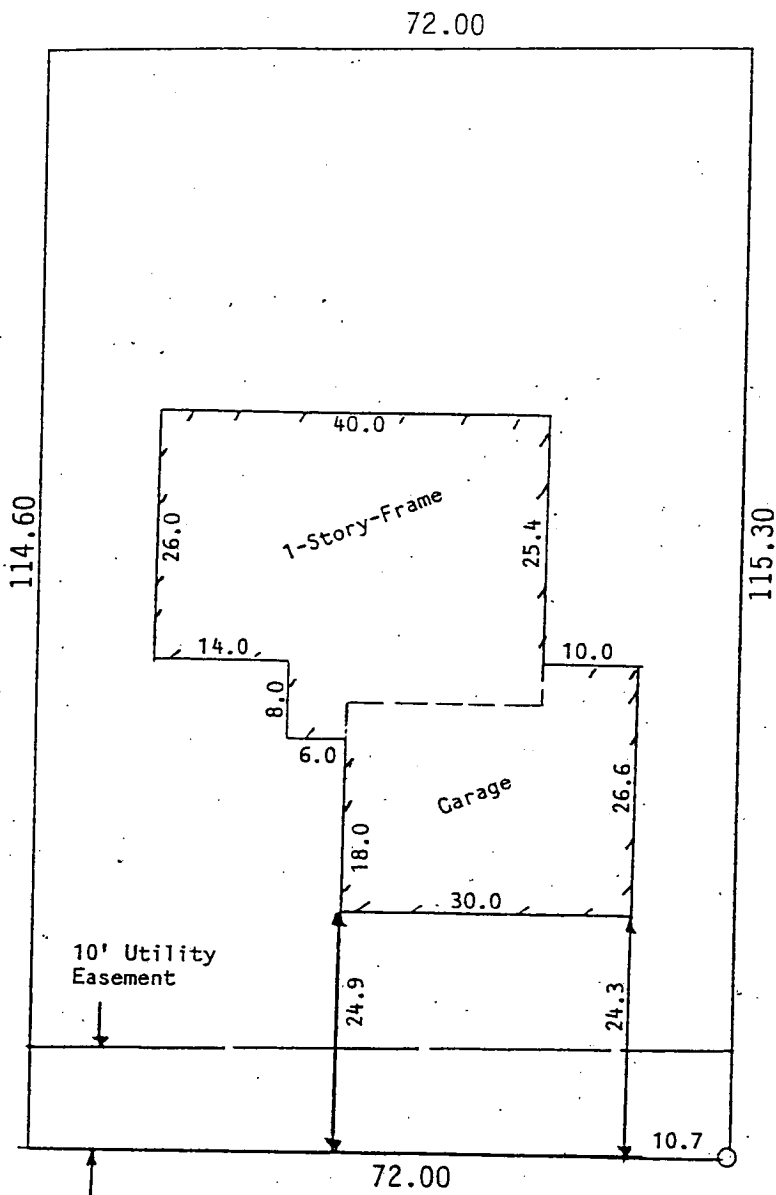
Lot 32, Block 8,
Bamber Ridge

167-

Lot 32, Block 8, Bamber Ridge, City of Rochester, Olmsted County, Minnesota

Marc Shaft
1223 36th Street SW
Rochester, MN 55902

S. + E
Survey



I hereby certify that I inspected the above described property. Dimensions are taken from the recorded plat or legal description furnished. This drawing is for informational and/or mortgage purposes only. A boundary survey may vary the relationship of improvements to property lines. This inspection was prepared for the above named party and their use only.

1" = 20 Feet Date 2-15-93
O = Monument Found Job No. 9194-93



LAND CONSULTANTS

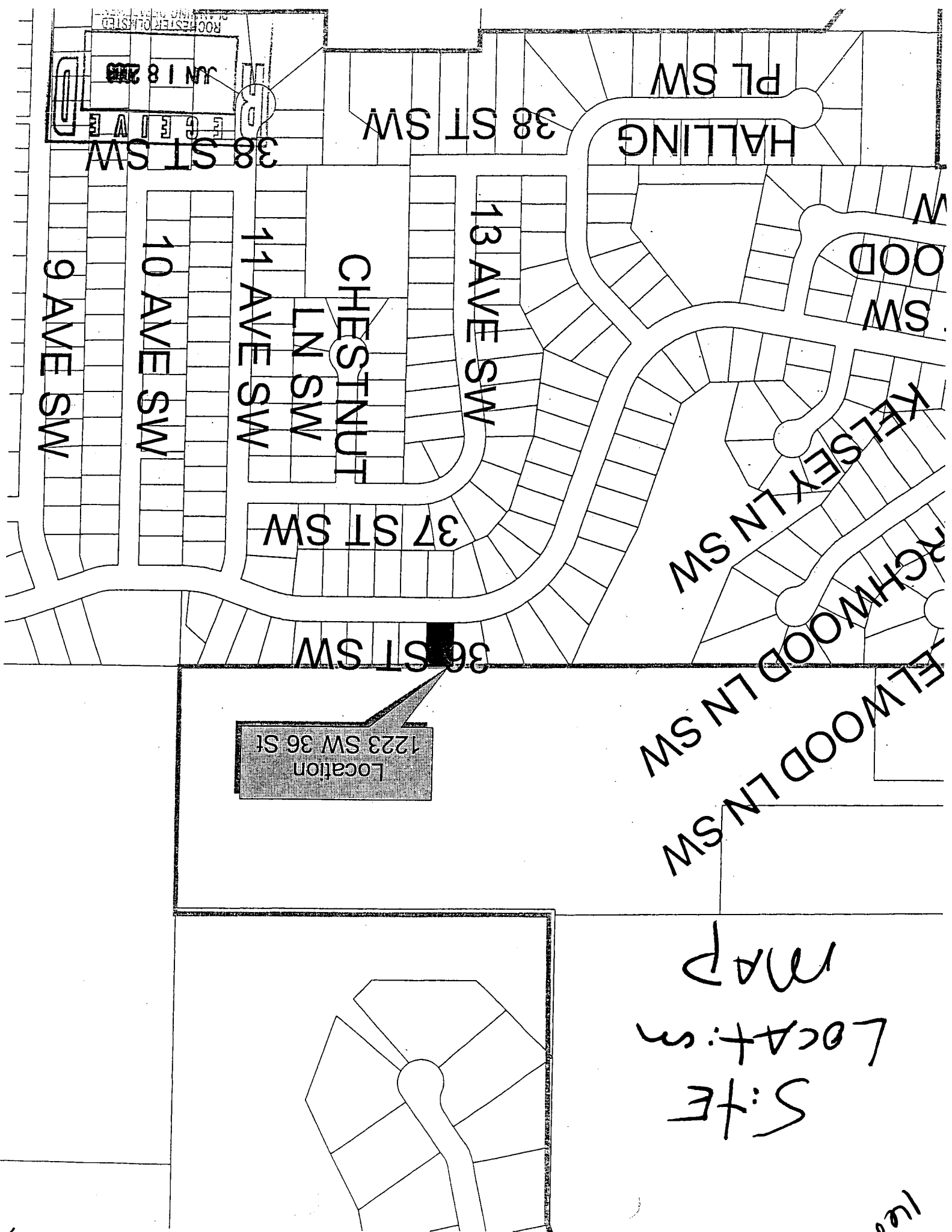
OF SOUTHERN MINNESOTA, INC.

1418 First Avenue N.E.
Rochester, Minnesota 55906
507-288-8855

Jane C. Lawin R.L.S. 18878

Site Location
map

148



Location
1223 SW 36 St

According to Section 60.417 in the City of Rochester Zoning Ordinance and Land Development Manual, in taking action on a variance request, the Board of Appeals shall make findings supporting the decision based on the following guidelines:

60.410 Findings for Variances: In taking action on a variance request, the approval authority shall make findings supporting the decision based on the following guidelines:

- 1) The approval authority may grant a variance to the provisions of this ordinance if it finds that:
 - a) there are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district; and
 - b) the variance is necessary to permit the reasonable use of the property involved; and
 - c) the variance will not be materially detrimental to the public welfare or materially injurious to other property in the area, is in harmony with the general purpose and intent of this ordinance, and will not adversely affect implementation of the Comprehensive Plan; and
 - d) the variance as granted is the minimum necessary to provide reasonable economic use of the property.

The extraordinary conditions or circumstances shall be found not to be the result of an action by the applicant or property owners who have control of the property.

In addition, the approval authority shall find that development of the parcel in question cannot be integrated with development of adjacent parcels under the same ownership in such a manner so as to provide for the reasonable economic use of the total site in a manner consistent with the provisions of this ordinance.

- 2) The Board may grant a variance to the literal provisions of this ordinance if it finds that:
 - a) there has been substantial and detrimental reliance in good faith by an applicant who has received a permit or certificate issued in error by the administrative official charged with enforcement of this ordinance, and
 - b) the mistaken issuance of the certificate or permit is not the result of an action on the part of the applicant, the property owner, or any other person or party who has had control of the property, to provide misleading or incorrect information, or to knowingly withhold information necessary for the administrative official to accurately review the permit or certificate request.
- 3) The Board shall under no circumstances grant a variance that will allow a use otherwise not permitted within the zoning district or any variance of the elevation or levels for flood protection.
- 4) In granting a variance, the zoning administrator or the Board may impose such reasonable and appropriate conditions and safeguards as may be necessary to accomplish, to the extent possible under the circumstances, the purposes of the regulations or provisions which are to be varied or modified and to reduce or minimize potentially injurious effects of the variance upon adjoining properties, the character of the neighborhood, and the health, safety, or general welfare of the community. A variance and any conditions and safeguards which were made a part of the terms under which the variance was granted are binding upon the applicant and any subsequent purchaser, heir, or assign of the property, and any violation of a variance or its conditions and safeguards shall be a violation of this ordinance and punishable as such.

021

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 07-7-03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-8
ITEM DESCRIPTION: Type III, Phase III Conditional Use Permit #03-26 by Williams Family Partnership and Mark & Bernard Leitzen to allow for the placement of fill in the flood prone area. The proposal is to place fill in the flood prone area to allow for the expansion of a business. The property is located east of the Shopko and Menards south stores and 28 th St. SE, and is north of TH 52.		PREPARED BY: Brent Svenby, Planner

June 24, 2003

City Planning and Zoning Commission Recommendation:

The applicant revised the plan so that a large wooded area would be avoided and there would be no excavation in the floodway. The applicant's representative also stated that the applicant was in agreement with the recommended conditions.

On June 11, 2003 the City Planning and Zoning Commission reviewed this request to allow for filling within a Flood Prone district.

Mr. Burke moved to recommend approval of Type III, Phase III Conditional Use Permit #03-26 by Williams Family Partnership and Mark and Bernard Leitzen with the staff-recommended conditions and the alternative plan presented by Mr. Allen. Mr. Ohly seconded the motion. The motion carried 8-1, with Mr. Haeusinger voting nay.

Planning Staff Recommendation:

See attached staff report dated June 6, 2003.

Council Action Needed:

1. If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution either approving, approving with conditions, or denying this request based on the criteria of Paragraphs 61.146, 62.824 and 62.860.

Attachments:

1. Staff Report dated June 6, 2003
2. Minutes of the June 11, 2003 CPZC Meeting

Distribution:

1. City Clerk
2. City Administrator
3. City Attorney
4. Planning Department File
5. Applicant: This item will be considered some time after 7:00 p.m. on July 7, 2003 in the Council / Board Chambers in the Government Center at 151 4th Street SE.
6. Yaggy Colby Associates

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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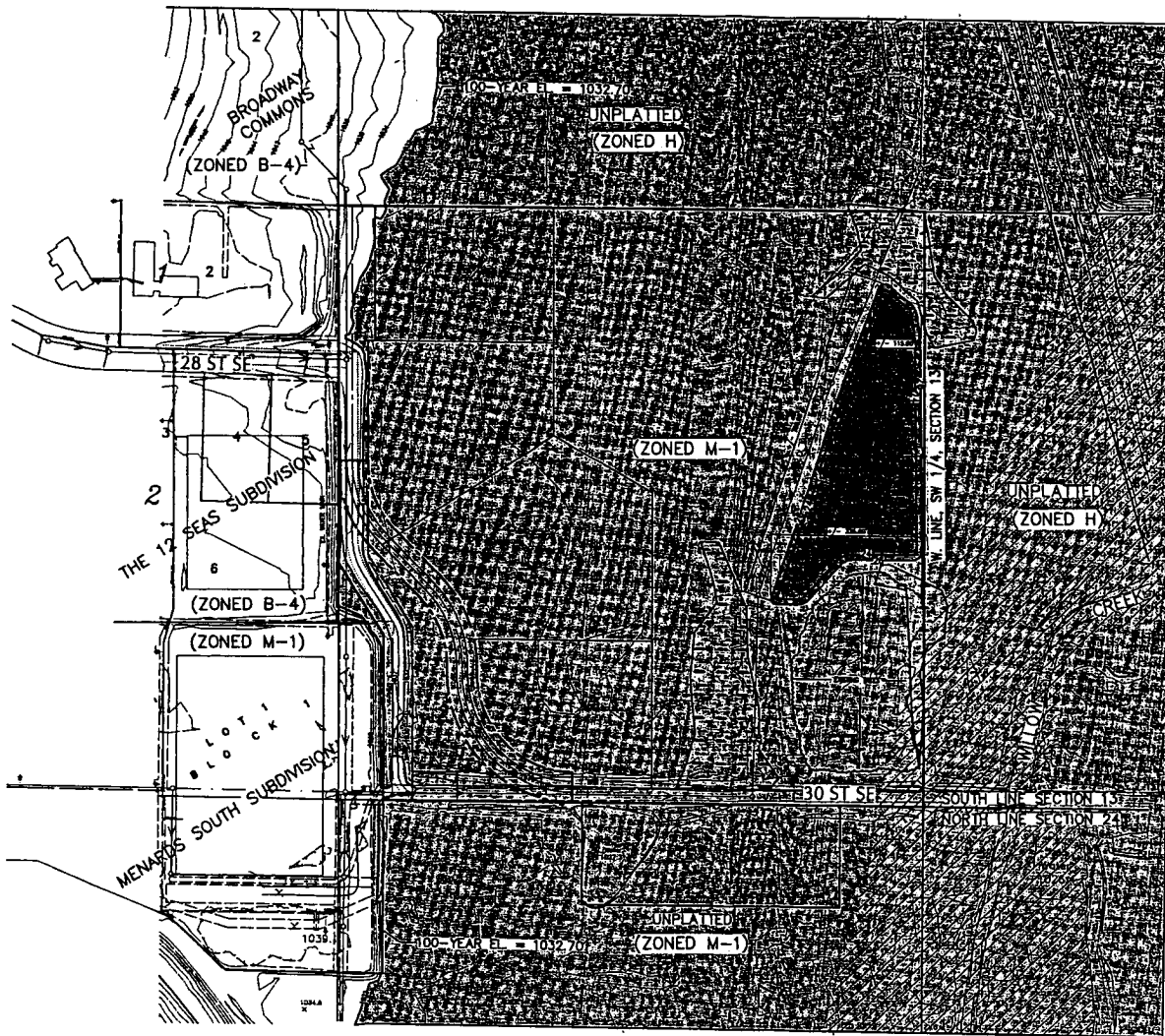


ARCHITECTS
ENGINEERS
LANDSCAPE ARCHITECTS
PLANNERS
INTERIORS
ENVIRONMENTAL
SCIENTISTS
HISTORIC PRESERVATION
ARCHITECTS

1111 WEST 10TH STREET
SUITE 200
DENVER, CO 80202
303.733.1111
WWW.YAGGYCOLBY.COM

PROJECT NO. 03-001
DATE: 06-09-03

MENARDS SOUTH EXPANSION ROCHESTER, MN FLOODPLAIN ADJUSTMENT PLAN





$\Delta = 40^{\circ}01'57''$
 CHAZ = $334^{\circ}43'23''$
 R = 283.00
 L = 183.42

$\Delta = 45^{\circ}00'00''$
 CHAZ = $336^{\circ}49'07''$
 R = 217.00
 L = 170.43

EXISTING SITE SUMMARY

BUILDING AREA:	160,547 S.F.
IMPERVIOUS SURFACE AREA:	520,051 S.F.
GREENSPACE AREA:	53,122 S.F.
EXISTING SITE AREA:	573,179 S.F.
TOTAL SITE ACREAGE:	13.16 ACRES

BUILDING COVERAGE: 28% GREENSPACE:
GROSS FLOOR AREA = 160,547 S.F. FLOOR AREA RATIO =
NOTE: CALCULATIONS TAKE INTO ACCOUNT THE NEWLY DEDICATED HMDOT SLOW

PROPOSED SITE SUMMARY

NEW WAREHOUSE:	22,425 S.F.
TOTAL BUILDING AREA:	182,972 S.F.
TOTAL IMPERVIOUS SURFACE AREA:	614,403 S.F.
TOTAL GREENSPACE AREA:	118,733 S.F.
TOTAL SITE AREA:	733,138 S.F.
TOTAL SITE ACREAGE:	16.83 ACRES

18.87 ACRES

BUILDING COVERAGE: 25.9%	GREENSPACE: 16.2%
GROSS FLOOR AREA - 182,972 S.F.	FLOOR AREA RATIO - .259

NOTE: CALCULATIONS TAKE INTO ACCOUNT THE NEWLY DEDICATED 40,000 S.Q. FT. WOODLAND YARD STORAGE AND WAREHOUSING FACILITIES ARE ALL THAT IS BEING ADDED TO THE 18.87 ACRE SITE. THEREFORE NO NEW PARKING STALLS OR CALCULATIONS ARE REQUIRED.

ZONING CLASSIFICATION:	
EXTERIOR LIGHTING REGULATION STANDARD:	16' 0"
SIGN REGULATION STANDARD:	16' 0"
EXTERIOR STORAGE REGULATION STANDARD:	16' 0"
SITE LOCATION REQUIREMENT	16' 0"
BUFFER/VED INDICATOR	16' 0"
SETBACK REQUIREMENTS:	
REQUIRED FRONT YARD:	25 FEET
MIN. REQUIRED SIDE YARD:	0 FEET
MIN. REAR YARD:	0 FEET
MIN. SLAB OF SIDE YARD:	10 FEET
LANDSCAPE / GREENSPACE AREA REQUIREMENT:	0%
FLOOR AREA RATIO / TYPE / USE:	50
HEIGHT REQUIREMENTS:	NO LIMIT

LEGAL DESCRIPTION

LOT 1, BLOCK 1,
NE-WARDE SOUTH SUBDIVISION
OLMSTED COUNTY, MINNESOTA

$\Delta = 89^{\circ}35'56''$
 CHAZ = $314^{\circ}31'09''$
 R = 283.00
 L = 442.55


REVISED


UNPLATTED
(ZONED M-1)

OWNER

EDWARDS
3000 SOUTH BRIDGEMAN
ROCHESTER, NY 14604

SYMBOLS LEGEND

 NEW MEADOWS PROPERTY
134.965 A.C. (3.67 ACRES)
NOTE: ALL R.O.W WITHIN THIS AREA
IS TO BE VACATED.

 NEW PROPOSED 30TH ST. BE R.O.W.
63.364 A.C. (1.23 ACRES)
NOTE: TO BE INCLUDED IN THE ACQ.
OF MEADOWS SOUTH SUBDIVISION

REVISED SITE PLAN

Age Group	Category 1 (%)	Category 2 (%)	Category 3 (%)	Category 4 (%)
0	10	10	10	10
20	10	10	10	10
40	10	10	10	10
60	10	10	10	10
80	10	10	10	10



**YAGGY
COLBY
ASSOCIATES**

ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

717 THIRD AVENUE SOUTHEAST
ROCHESTER, MINNESOTA 55901
367-300-6400
367-300-6401
FAX 367-300-6402
6666 DUMFRIESWAY CO.

I HEREBY CERTIFY THAT THIS PLAN SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF

POLAROID DATE

MENARDS SOUTH EXPANSION

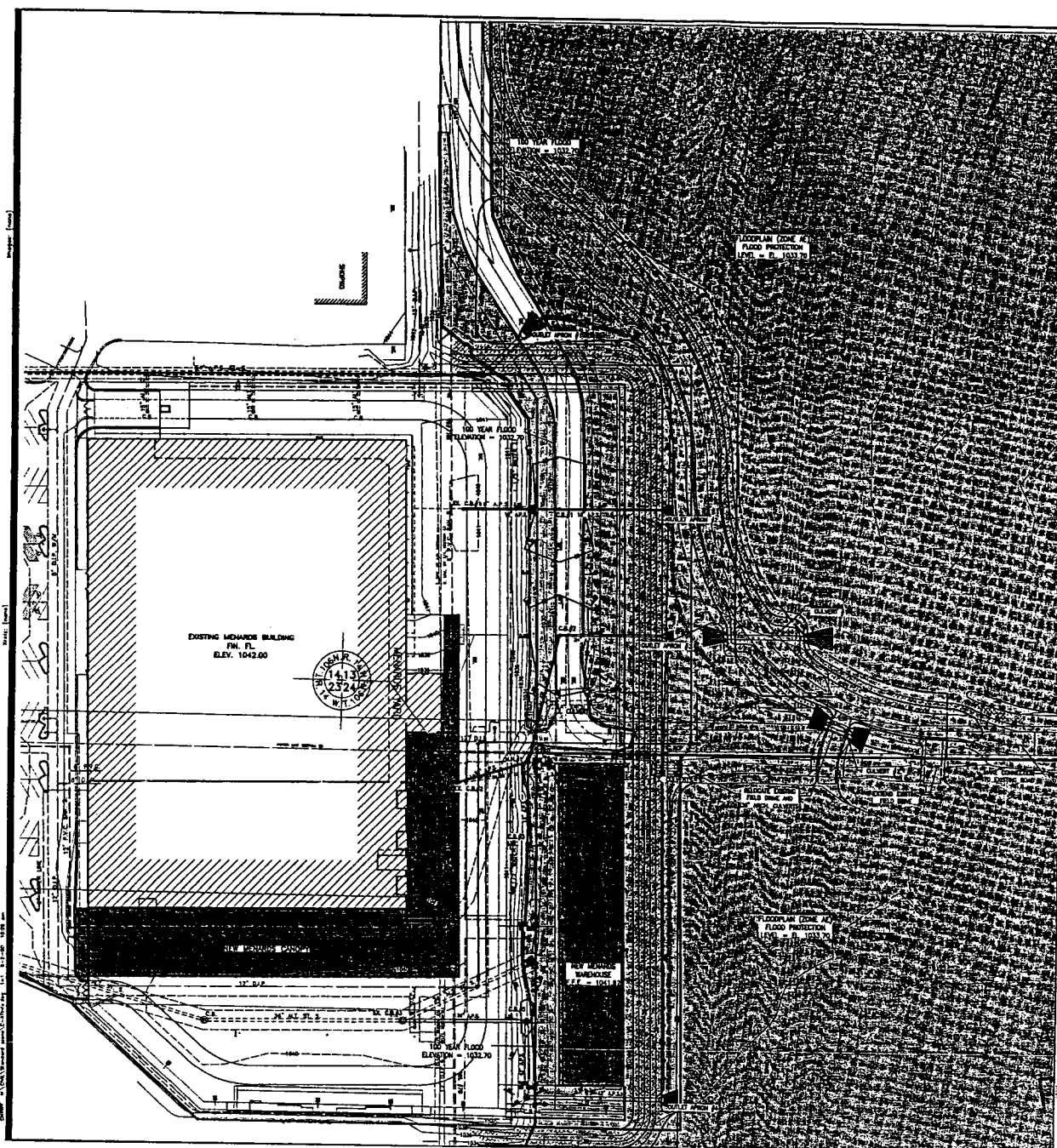
ROCHESTER, MN

SITE PLAN

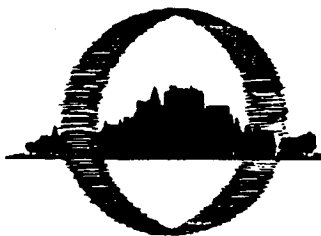
FILE NO. 8200
SUBJECT: B200SITE02 Dwg
DATE: 06-02-03
DRAWN BY: M.S.F.
CHECKED BY: D.R.A.
APPROVED:

C

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Age Group	Percentage of Correct Responses
10-12	85
13-15	90
16-18	95
19-22	100



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted

www.olmstedcounty.com/planning



TO: City Planning & Zoning Commission

FROM: Brent Svenby, Planner

DATE: June 6, 2003

RE: Type III, Phase III Conditional Use Permit #03-26 by Williams Family Partnership and Mark & Bernard Leitzen to allow for the placement of fill in the flood prone area and excavation in the floodway. The proposal is to place fill in the flood prone area and excavation in the floodway to allow for the expansion of a business. The property is located east of the Shopko and Menards south stores and 28th St. SE, and is north of TH 52.

Planning Department Review:

Applicant: Williams Family Partnership
41050 95th Street
Blue Earth, MN 56013

Mark & Bernard Leitzen
309 60th Avenue SW
Rochester, MN 55902

Consultant: Yaggy Colby Associates
Attn: Dale Allen
717 Third Avenue SE
Rochester, MN 55904

Requested Action: The applicant is requesting a Type III, Phase III conditional use permit to allow for the placement of fill in the flood prone area and excavation in the floodway. The proposal is to place fill in the flood prone area and excavation in the floodway to allow for the expansion of a business.

Location of Property: The property is located east of the Shopko and Menards south stores and 28th St. SE, and is north of TH 52.

Zoning: The Leitzen property is zoned M-1 (Mixed Commercial – Industrial) District while the Williams property has petitioned to zone the property to the M-1 (Mixed Commercial-Industrial) zoning district. The CPZC has recommended approval of the zone change petition.

Referral Comments: Public Works
RPU Water Division
Planning Department - Wetlands



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Analysis:

The applicant is proposing to place fill within the flood prone area to allow for the expansion of the Menards storage yard and the realignment of 30th Street SE. A warehouse building would be constructed within the storage yard.

The applicant is also proposing to excavate (approximately 2 feet) a small portion of land in the floodway and flood prone to accommodate the lost of flood storage because of the filling work being proposed to construct the storage yard and the realignment of 30th Street SE.

Wetlands are present on the property and MnDOT has completed a wetland delineation. The applicant is responsible for obtaining the necessary permits for any work on the property that deals with the wetlands. No permits will be issued until the applicant has completed and submitted the necessary information to the LGU and approval is granted.

When deciding on a Conditional Use Permit in any flood district, the standards of Sections 61.146 and 62.824 shall be considered. These sections are attached to the staff report. In addition to Sections 61.146 and 62.284, Section 62.860 needs to be complied with.

Section 62.860 of the LDM states that "the deposition of any fill or spoil from dredging of sand and gravel operations, the construction of any structure, or the grading or paving of any areas shall require certification by a registered engineer or hydrologist that the following conditions have been met:

1. Fill deposited in the flood prone area shall be no more than the minimum amount necessary to conduct the use.
2. No net loss of capacity for surface storage of flood waters shall result from the activity.
3. The effect of such activities in the flood prone area shall not result in an increase in erosion potential on the site.

Planning Commission Action Needed:

Conditional use permits of this sort require Council approval. The Planning Commission should make a recommendation to approve, approve with conditions, or deny this request to be forwarded to the Council. The Council will hold a public hearing at a later date.

Staff Recommendation:

The applicant submitted a letter from a professional engineer that certifies that the plans dated May 15, 2003 meet the three conditions of Section 62.860.

It does not appear as though the proposed fill activity would result in a loss of storage of flood waters. The applicant is proposing to excavate approximately 8,037 cubic yards within the flood prone area and floodway to accommodate for the lost of storage (approximately 8,010 cubic yards) because of fill being placed in the flood prone area. In addition, the applicant will be required to obtain approval and permits from the City for grading and drainage, which will also address erosion control. The proposed fill within

the flood prone district and excavation within the floodway appears to be minimal. Staff recommends approval of the fill activity within the flood prone district as proposed on plans dated received June 3, 2003. In order to ensure compliance with Sections 61.146 and 62.824, staff recommends the following conditions:

- 1. The applicant shall receive approval of the grading and drainage plan prior to any grading activity taking place on the property. The applicant shall demonstrate that the proposed fill will not increase the flood risk to abutting and downstream properties.**
- 2. Prior to the issuance of a grading permit for the property, the applicant shall demonstrate to the LGU that the storage area being created will not affect the hydrology functions of the adjacent wetlands.**
- 3. Prior to development of the property, the site plan shall be reviewed through the site development plan review process. During this review the proposed use will be reviewed to ensure that it meets the standards of the zoning district.**
- 4. If 28th St SE is to be used as a haul road for transportation of excavated and fill material, the applicant will be required to post a \$25,000.00 surety, in a form accepted by the City Engineer, to be used by the City to repair any damages that may occur to 28th St SE.**

Attachments:

1. Location Map
2. Site Plan
3. Referral Comments
4. Letters from Yaggy Colby Associates

Note:

- Relocation of public utilities (Sanitary Sewer, Storm Sewer and/or Watermain) and reconstruction of 28th St SE / 30th St SE will require the execution of a City-Owner Contract.
- The existing 12" public water main must be relocated to the future realignment of 30th Street SE. The realignment must be approved to the RPU Water Division.
- More detailed comments will be provided during the development review process

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61.145 **Matters Under Consideration:** The review of a conditional use is necessary to insure that it will not be of detriment to and is designed to be compatible with land uses and the area surrounding its location; and that it is consistent with the objectives and purposes of this ordinance and the comprehensive plan.

61.146 **Standards for Conditional Uses:** The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:

- 1) provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
- 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.
- 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
- 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.

62.824 **Conditional Use Permits - Standards for Approval:** When deciding on Conditional Use Permits in any of the flood districts, the following factors, in addition to the standards of Paragraph 61.146 shall also be considered:

- 1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- 2) The danger that materials may be swept onto other lands or downstream to the injury of others.
- 3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary condition.

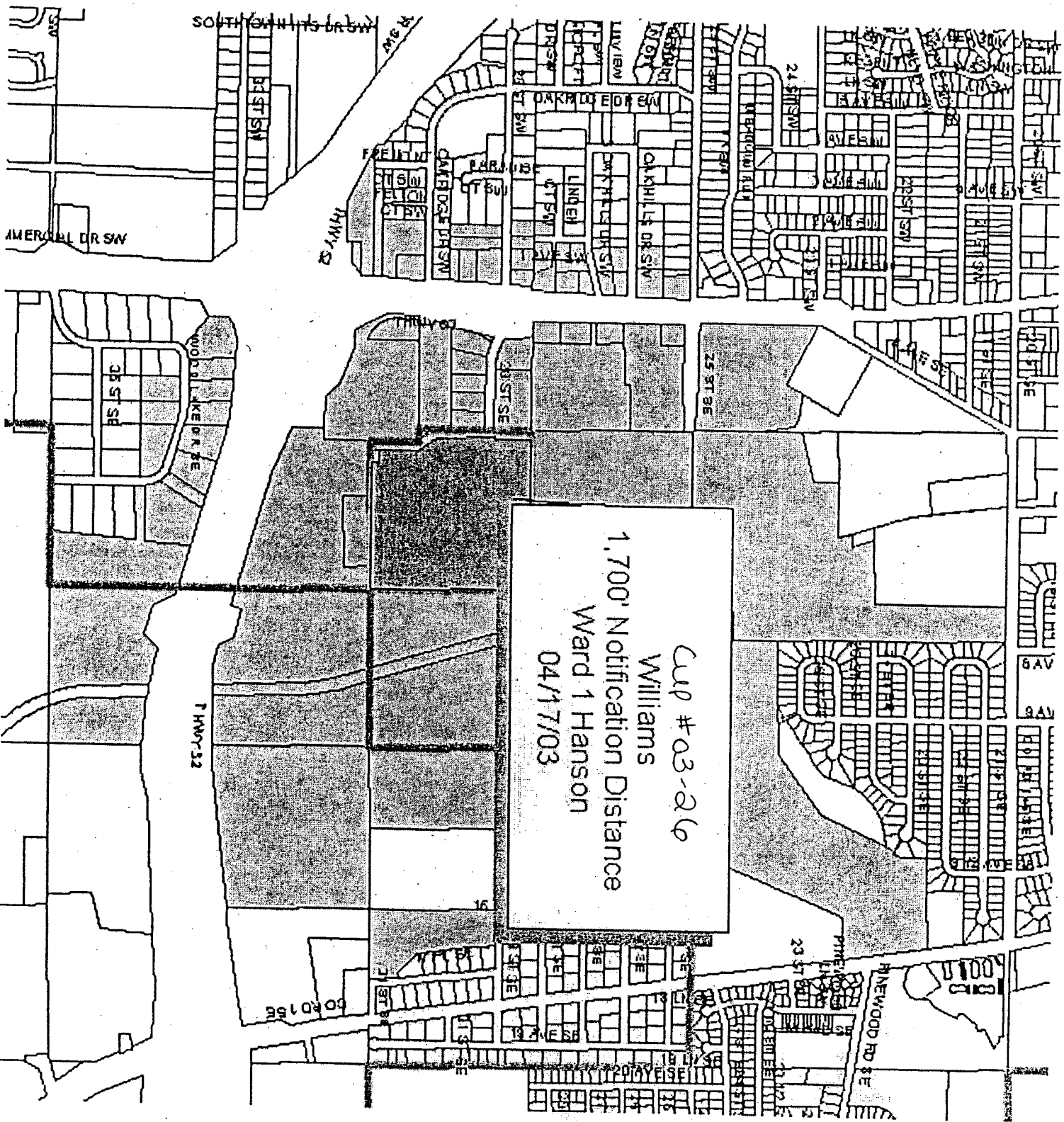
- 4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- 5) The importance of the services provided by the proposed facility to the community.
- 6) The need for a waterfront location for the facility.
- 7) The availability of alternative locations not subject to flooding for the proposed use.
- 8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- 9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- 10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- 11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- 12) Such other factors which are relevant to the purposes of Paragraph 62.800.

62.860 CONSTRUCTION STANDARDS IN THE FLOOD PRONE DISTRICT

The requirements applicable in the Flood Fringe District, as defined in Section 62.840 shall apply in the Flood Prone District and, in addition, the deposition of any fill or spoil from dredging of sand and gravel operations, the construction of any structure, or the grading or paving of any areas shall require certification by a registered professional engineer or hydrologist that the following conditions have been met:

- 1) Fill deposited in the flood prone area shall be no more than the minimum amount necessary to conduct the use.
- 2) No net loss of capacity for surface storage of flood waters shall result from the activity.
- 3) The effect of such activities in the flood prone area shall not result in an increase in erosion potential on the site.

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CUP #03-26

28 ST SE

site

site

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WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Conditional Use Permit #03-26 by the Williams Family Partnership

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

The MNDOT has completed a wetland delineation for this property.

Wetlands are present on the property. The property owner will be responsible for obtaining the necessary wetland permit. No information has been submitted by the applicant as of this date. No permits will be issued until the applicant has completed and submitted the information and necessary application.



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May 27, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Type III, Phase III Conditional Use Permit #03-26 by Williams Family Partnership and Mark & Bernard Leitzen to allow for the placement of fill in the floodprone area and excavation in the floodway to allow for the expansion of a business.

Dear Ms. Garness:

Our review of the referenced application is complete and our comments follow:

1. As a part of the Menards expansion and the filling of the current 30th St. SE area, the existing 12" public water main must be relocated (The preliminary layout is shown on sheet C1).

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Wade Dumond, Yaggy Colby Associates

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 6/2/03 **REVISED 6/5/03**

The Department of Public Works has reviewed the application for CUP#03-26 for the proposed Menards South Expansion / 30th St SE Realignment. The following are Public Works comments on this proposal: **New comment is shown in BOLD, while the prior comment that has been addressed by the revised plan is indicated with STRIKETHROUGH.**

1. ~~The proposed centerline radius of the 28th St SE / 30th St SE realignment does not meet the radius previously discussed with the applicant's consulting engineer (Yaggy Colby). The CUP plan should be revised to accommodate a 250 ft centerline radius. A revised Grading Plan will be required, showing the correct centerline radius.~~
2. The applicant shall demonstrate that the proposed fill will not increase the flood risk to abutting and downstream properties.
3. Relocation of public utilities (Sanitary Sewer, Storm Sewer and/or Watermain) and reconstruction of 28th St SE / 30th St SE will require the execution of a City-Owner Contract.
4. **If 28th St SE is to be used as a haul road for transportation of excavated and fill material, the applicant will be required to post a \$25,000.00 surety, in a form accepted by the City Engineer, to be used by the City to repair any damages that may occur to 28th St SE.**

The following addition comments are not specifically related to the CUP request, but will impact how the property is developed. More detailed comments will be provided during the development review process.

1. The yard entrance shall match the existing parking / driveway isle.
2. The Owner shall execute a revocable permit for construction of the proposed canopy over the sanitary sewer. Access to the sanitary sewer shall be maintained at all times and no storage of materials, etc. will be permitted on the sewer easement area.
3. The Owner will be required to dedicate the new ROW for 30th St SE, at no cost to the City, prior to any grading / construction activities that would impact the existing street.
4. The Owner will be required to petition for the vacation of the existing 30th St SE segment that would be impacted by this proposed project.
5. On-site Stormwater Management will be required of the Owner for any increase in impervious surface, or change in the natural drainage pattern for the Property.
6. Development related charges will be addressed through the development review process for this Property.

SURVEYORS



LANDSCAPE ARCHITECTS

PLANNERS

May 15, 2003

Mr. Brent Svenby
Rochester/Olmsted County Planning Dept.
2122 Campus Drive SE
Rochester, MN 55904

**RE: Type III, Phase III Conditional Use Permit
Fill in Flood Prone Area for the Menards Expansion**

Dear Mr. Svenby:

I have reviewed the plans for the filling in of the flood prone area for the Menards expansion and the floodplain adjustment plan on the adjoining Williams property. The fill placed below the base flood elevation of 1032.7 was calculated to be 8,010 cubic yards. The floodplain adjustment plan shows excavation in the flood prone area of 8,037 cubic yards. I hereby certify the following statements:

1. The fill deposited in the Flood Prone Area is no more than the minimum amount necessary to conduct the use.
2. The site work indicated on the plans creates a no net loss of capacity for surface storage of flood waters as a result of this project.
3. The effect of such activities resulting from this construction/development will not result in an increase in erosion potential on the site.

Sincerely,

YAGGY COLBY ASSOCIATES, INC.

Dale Allen, P.E.

DA/ws
YCA #8200

ROCHESTER OFFICE

717 Third Avenue S

Rochester, MN 5590

507-288-646

Fax 507-288-505

MPLS/ST PAUL OFF

651-681-91

MASON CITY OFF

641-424-6

DELAFIELD OFF

262-646-

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05/14/03
YCA #8200
DA

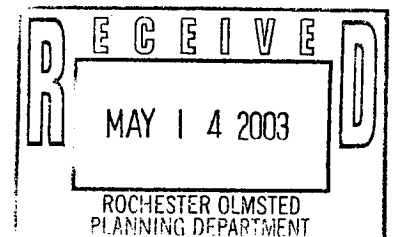
**WILLIAMS FAMILY PARTNERSHIP-LITZEN PROPERTY
SITE DEVELOPMENT
CONDITIONAL USE SUBMITTAL**

Menards proposes to purchase property from the Williams Family Partnership and the Leitzens to expand their storage yard and construct a warehouse building. This construction will require that 30th Street be relocated further east. This property is located in the flood prone area.

A conditional use permit is being applied for in accordance with Sections 62.820, 62.824 and Section 62.834 of the City of Rochester Zoning Ordinance and Land Development Manual for filling in the flood prone area.

Approximately 3.03 acres of the proposed project is in the flood prone area. The floodway and flood fringe areas depicted on the plan were derived from the Flood Insurance Rate Map (FIRM), Panel 302, Map number 27109C0302 E. The base flood elevation is shown as 1032.7. The flood protection level is than at elevation 1033.7. The Floodway as-depicted will not be impacted as a result of this proposed development.

The site, as designed, minimizes the amount of fill to be placed within the flood prone area to provide for the Menards expansion and relocation of 30th Street SE. Approximately 8,010 cubic yards of fill are proposed to be placed in the flood plain below the base flood elevation. A site is shown on the Williams property where an excavation will be made to replace the 8,010 cubic yards of storage displaced by placing fill in the floodplain. There will be no net loss of capacity for surface storage of floodwaters resulting as a result of this project. Also, it is anticipated that there will not be an increase in erosion potential on this. All disturbed area will be seeded and mulched. Slopes 3:1 and steeper will be cover with a erosion control fiber blanket. The site will also be protected during construction activities with erosion control measures during the construction phase.



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CONDITIONAL USE SUBMITTAL

May 14, 2003

Page 2

The following statements relate to how the applicant intends to meet the "Standards for Approval" Section 62.824 of the City of Rochester Zoning Ordinance.

62.824 Conditional Use Permits – Standards for Approval: When deciding on Conditional Use Permits in any of the flood districts, the following factors, in addition to the standards of Paragraph 61.146 shall also be considered:

- 1) *The danger to life and property due to increased flood heights or velocities caused by encroachments.*

No danger to life or property is anticipated due to increased flood heights and velocities. This project will not significantly increase flood heights or velocities due to the small size of the project site. The storage capacity is being replaced by creating a excavation on the Williams property equal to the amount of fill being placed in the flood prone area.

- 2) *The danger that materials may be swept onto other lands or downstream to the injury of others.*

All stored materials will be above the flood protection level.

- 3) *The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary condition.*

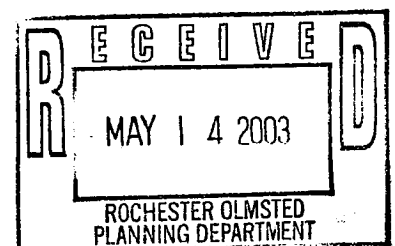
No new public facilities are proposed.

- 4) *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.*

The proposed building and storage yard for the Menards expansion will be filled 8-9 feet above the flood protection level.

- 5) *The importance of the services provided by the proposed facility to the community.*

Provides for expansion of the City retail and tax base.



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CONDITIONAL USE SUBMITTAL

May 13, 2003

Page 3

- 6) *The need for a waterfront location for the facility.*

Not applicable

- 7) *The availability of alternative locations not subject to flooding for the proposed use.*

No other land is available to Menards for expansion.

- 8) *The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.*

The compatibility of the proposed use is consistent with the existing development and underlying zoning district.

- 9) *The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.*

In compliance to the best of our knowledge.

- 10) *The safety of access to the property in times of flood for ordinary and emergency vehicles.*

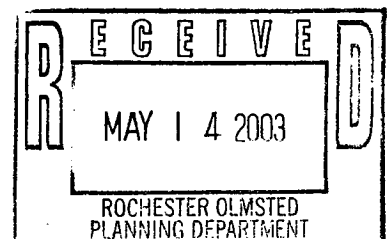
Access to the site during times of flood will be maintained for emergency vehicles due to the fact the site will be raised above the flood protection level.

- 11) *The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.*

The expected heights, velocities, duration, rate of rise and sediment transport of the floodwaters is not anticipated to increase as a result of this project.

- 12) *Such other factors which are relevant to the purposes of Paragraph 62.800.*

No other factors anticipated.



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**MINUTES OF THE
CITY OF ROCHESTER PLANNING COMMISSION
2122 CAMPUS DRIVE SE – SUITE 100
ROCHESTER MN 55904**

Minutes of the regularly scheduled meeting of the City Planning and Zoning Commission held on Wednesday, June 11, 2003, at 7:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

Members Present: Ms. Lisa Wiesner, Chair; Mr. Michael Quinn, Vice Chair; Ms. Mary Petersson; Ms. Leslie Rivas; Mr. Ivahn Dockter; Mr. Randy Staver; Mr. Robert Haeussinger; Mr. James Burke; and Mr. Paul Ohly

Members Absent: None

Staff Present: Ms. Mitzi A. Baker and Ms. Jennifer Garness

Other City Staff Present: Ms. Pat Alfredson, City Attorney

ADMINISTRATIVE BUSINESS:

Mr. Quinn made a motion to approve the minutes of May 28, 2003, as written. Mr. Haeussinger seconded the motion. The minutes from May 28, 2003 were approved unanimously.

Ms. Petersson made a motion to approve the agenda, adding a discussion item at the end of the meeting regarding initiating a text amendment. Mr. Dockter seconded the motion. The motion carried unanimously.

CONTINUED ITEMS:

Type III, Phase II Conditional Use Permit #03-12 by Southern Woods Development LLC to allow for the placement of fill in the flood prone district. The proposal is to grade and place fill within the flood prone district. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located south of 48th Street SW, west of TH 63 and east of 11th Avenue SW.

Ms. Petersson moved to continue Type III, Phase II Conditional Use Permit #03-12 by Southern Woods Development LLC to June 25, 2003. Mr. Quinn seconded the motion. The motion carried 9-0.

PUBLIC HEARINGS:

Type III, Phase III Conditional Use Permit #03-26 by Williams Family Partnership and Mark & Bernard Leitzen to allow for the placement of fill in the floodprone area and excavation in the floodway. The proposal is to place fill in the floodprone area and excavation in the floodway to allow for the expansion of a business. The property is located east of the Shopko and Menards south stores and 28th St. SE, and is north of TH 52.

Ms. Mitzi A. Baker presented the staff report, dated June 6, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker indicated that the application was intended to only be reviewed by the Commission and not be held as a public hearing. However, it was accidentally published, therefore, the item would be conducted as a public hearing.

Ms. Petersson asked how there wouldn't be loss of storage.

Ms. Baker responded that there is a water table and that any excavation above the water table provides a storage area for flood waters. This is the only area that they can count.

The applicant's representative, Mr. Dale Allen of Yaggy Colby Associates, addressed the Commission. He explained that they would be replacing 1:1 storage for what is being filled.

Ms. Wiesner asked if the applicant was in agreement with the staff-recommended conditions.

Mr. Allen responded yes. However, he asked if he could provide an alternative plan for the flood plain adjustment. He showed the wooded area and proposed boundaries.

Ms. Baker stated that the first condition would cover his concern. She indicated that a revised plan was submitted on Tuesday. However, the intention was unclear. It was unknown that the applicant wanted to submit an amended plan.

Mr. Haeussinger expressed concern of where the water would be stored and the capacity of the area.

Discussion ensued regarding where the water would be stored and what the capacity would be.

Ms. Petersson stated that the applicant would be replacing permeable soil with non-permeable surface which would mean that they would need to have a larger storage capacity than a 1:1 ratio.

Ms. Wiesner asked if the runoff would be taken into consideration separately when it is developed.

Mr. Allen responded yes.

Mr. Burke complemented the plan, considering the trees being saved.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to recommend approval of Type III, Phase III Conditional Use Permit #03-26 by Williams Family Partnership and Mark & Bernard Leitzen with the staff-recommended conditions and a recommendation that the alternative plan presented by Mr. Allen be adopted. Mr. Ohly seconded the motion. The motion carried 8-1, with Mr. Haeussinger voting nay.

Proposed Special District #14 to be known as Pebble Creek and General Development #209 to be known as Pebble Creek by Western Walls, Inc. The Applicant is proposing to

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 7/7/03 191

AGENDA SECTION: REPORTS AND RECOMMENDATIONS	ORIGINATING DEPT: Building Safety	ITEM NO. F-1
ITEM DESCRIPTION: Amendments to Rochester Code of Ordinances Chapters 10, 50, 51, and 52		PREPARED BY: Ron Boose

A number of changes are proposed to these ordinance chapters, administered by the Building Safety Department, as outlined in the accompanying memo and as discussed at the June 30th Committee of the Whole meeting. Proposed changes include changing the official department title, removing specific job descriptions from the code of ordinances, instituting a new fee schedule for department issued permits and inspections, eliminating the requirement for a local plumbing license in addition to the state license, and other general "housekeeping" type changes. Chapters 10, 51, and 52 have not been revised to reflect department changes since 1979, 1981, and 1983 respectively.

COUNCIL ACTION REQUESTED:

Direct the City Attorney to prepare ordinance amendments to Chapters 10, 50, 51, and 52 of the Rochester Code of Ordinances as requested.

Note to Council:

Pursuant to further Discussions with Dennis Hanson and Ron Boose concerning the effective starting date for the new fees, it is recommended that the effective date be

October 1, 2005.

OSR

7/2/03

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

Kvenvold, Steve

From: Boose, Ron
Sent: Tuesday, July 01, 2003 12:35 PM
To: Kvenvold, Steve
Subject: RE: Building Safety Fees

As you have eluded, such a plan would delay any service improvements and provide contractors with additional time to submit future plans for inclusion under the current fee schedule. No matter when we implement the new fees there will be a large number of plans submitted just prior, however; the longer the delay, the bigger that number will likely be. I would anticipate a significant increase in plan review workload this fall resulting in even longer turn around times and a negative effect on 2004 revenues. The same situation occurred three or four years ago when the new energy code was implemented and DeWitz submitted over 100 plans in one day in order to get them stamped as received before the deadline. Under the code an applicant has 6-months to pick-up a permit after it is ready for issuance and then another 6-months to begin construction on the project after issuance. I could see several hundred house plans sitting in our office for several months in an effort to beat the fee increase if implementation is delayed 6-months as the applicant incurs no cost until the permit is issued. I am not unsympathetic to their argument for additional time but I think 6-months is too long. Applications submitted December 31 would not have to be issued until June 30. Once the permit is issued the applicant has incurred a cost and has motivation to get the project under way. I think an implementation date of Oct. 1 would help address both concerns as applications submitted before that date would have to be issued by April 1 and contractors would have less time to plan next year's work and submit large numbers of plans.

If we do delay implementation I would recommend that grading fees and other special fees be implemented sooner as we are currently without real authority to collect those fees plus the residential footing permit fee will help reduce counter time for plan reviewers.

Ron

[Boose, Ron] -----Original Message-----

From: Kvenvold, Steve
Sent: Tuesday, July 01, 2003 11:20 AM
To: Boose, Ron
Subject: FW: Building Safety Fees

Ron, please provide me with your thoughts concerning delaying the implementation until 1/1/04. I would assume that we would also put off implementation of the hiring and technology issues until the same time. Stevan

-----Original Message-----

From: Dennis Hanson [mailto:dhanson@kruselumber.com]
Sent: Tuesday, July 01, 2003 7:21 AM
To: Kvenvold, Steve
Subject: Building Safety Fees

Good morning Steve,

I have received alot of comments already about our meeting yesterday. I really hate being in this business sometimes.

All of the builders I talked to seem to understand the reasons and are ok with the fee increases. What they are upset about is the short time frame that is set to implement them. Would you have any problem with putting them into effect January 1 of 2004. I don't know what kind of implications this would have on Ron's budget, but I told the builders I would ask for the delay, so that the projects that they have in the works can be finalized before the end of this year and any new bids will include the new fees.

Just looking for your thoughts.

Denny

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7/2/2003

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**City of Rochester
Building Safety Department**

Memo

To: Stevan Kvenvold

From: Ron Boose

Date: June 26, 2003

Subject: RCO Building Safety Chapters Changes

I am proposing a number of changes to various chapters in the Code of Ordinances relating to our department. These changes occur in chapter 10 and chapters 50, 51, and 52, which all pertain to building construction codes. Proposed amendments to chapters 53 and 54, pertaining to Heating Ventilating and Air Conditioning, and chapters pertaining to the Housing Code will be brought forth at a later date.

Chapter 10. Organization and Management

I want to change the official department title from Building & Safety to Building Safety. I was told that this change was made years ago but it is not reflected in the ordinance and the department is referred to by both titles. Building Safety is the title used in the Building Code when referring to the department charged with administering the code and the title that I prefer. I think it is more descriptive of the department function. Other changes reflect current responsibilities of the department and current positions in the department. I also recommend eliminating the job descriptions that are contained in the chapter for positions other than the director. Other department organizational chapters do not establish specific positions and duties within a department for other than the director. The Human Resources Department maintains current job descriptions for all authorized city positions.

Chapter 50. Building Code

In addition to the new fee chart, I propose to eliminate the requirement for all applicants to certify their responsibility to pay city sales tax for their building materials on the application. That responsibility exists without this additional notice and I doubt this notice makes much difference if the tax gets paid or not. We need to streamline all of our application forms for ease of use and

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posting on the website and I believe this extra requirement unnecessarily adds to the length and complexity of the form. I have also added some needed definitions to clarify that reference to the building official include his or her authorized representative and when re-inspection fees can be assessed.

Chapter 51. Plumbing

I propose to eliminate the Rochester Plumbing License. Our local license is redundant with the state license and serves little or no purpose. Legislation has been introduced in the past two or three session to prohibit local licensing of plumbers but has not yet passed. The State already prohibits local licensing of electricians and residential building contractors as they are licensed by the state. I suspect the prohibition of local plumbing licenses will happen in the near future. These licenses produce about \$4,000.00 in revenue yearly, which probably doesn't cover the costs associated with sending notices and issuing the licenses.

I have also eliminated references to the plumbing inspector in favor of the more generic term of building official and provided that an authorized agent can sign permit applications for the license holder. Both of these measures should expedite issuance of plumbing permits. I have also reformatted chapters 51 and 52 to make them more consistent with each other and with the administrative provisions of the State Building Code.

Chapter 52. Electrical

Proposed changes are the same as for chapter 51 except for the local license issue.

PROPOSED

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Rochester, MN Building Permit Fees

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$25.00
\$501.00 to \$2,000.00	\$25.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$55.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$262.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$424.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$649.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,049.50 for the first \$500,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$3,549.50 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours.....\$45.00 per hour (minimum charge – two hours)	
2. Reinspections\$45.00 per hour	
3. Inspections for which no fee is specifically indicated.....\$45.00 per hour (minimum charge – one-half hour)	
4. Additional plan review required by changes, additions or revisions to plans.....\$45.00 per hour	
5. Footing/foundation permits for one and two-family dwellings	
Within ten (10) business days of application.....\$100.00	
If initial plan review is not completed	
within ten (10) business days of application.....no charge	

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PROPOSED

Building Plan Review Fees

For structures permitted under the International Residential Code (IRC) the plan review fee shall be 35% of the building permit fee.

For all other structures the plan review fee shall be 65% of the building permit fee.

Similar Plans

The origination fee to establish a master plan for repetitive use is the full normal plan review fee. The origination fee does not include the issuance of a permit.

The plan review fee for similar plans based on an approved master plan is 15% of the building permit fee for IRC structures and 25% of the building permit fee for all other structures.

Electrical, Mechanical, and Plumbing Permit Fees

An application fee of \$25.00 shall be assessed for all electrical, mechanical, and plumbing permit applications separate and in addition to any permit fees.

Total value of Work	Permit Fee
\$1.00 to \$500.00	No permit fee
\$501.00 to \$1,000	\$10.00
\$1,000 and up	\$10.00 for each \$1,000.00 of fraction thereof

Fee Refunds

The Building Official shall authorize refunding of any fee that was erroneously paid or collected or if none of the work authorized by the permit has been performed.

The Building Official shall not authorize refunding of any permit fee paid except upon written application filed by the original permittee not later than 180 days after the date of permit issuance.

Plan review fees, IRC footing permit fees, and application fees shall not be refunded.

PROPOSED

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Grading Permit Fees

Cubic Yards	Permit Fee
50 or less	\$25.00
51 to 100	\$40.00
101 to 1,000	\$40.00 for the first 100 cubic yards plus \$18.00 for each additional 100 cubic yards or fraction thereof
1,001 to 10,000	\$202.00 for the first 1,000 cubic yards plus \$15.00 for each additional 1,000 cubic yards or fraction thereof
10,001 to 100,000	\$337.00 for the first 10,000 cubic yards plus \$70.00 for each additional 10,000 cubic yards or fraction thereof
100,000 or more	\$967.00 for the first 100,000 cubic yards plus \$40.00 for each additional 10,000 cubic yards or fraction thereof

Grading Plan Review Fees

Cubic Yards	Plan Review Fee
50 or less	No charge
51 to 100	\$25.00
101 to 1,000	\$40.00
1,001 to 10,000	\$50.00
10,001 to 100,000	\$50.00 for the first 10,000 cubic yards plus \$25.00 for each additional 10,000 cubic yards or fraction thereof
100,000 to 200,000	\$275.00 for the first 100,000 cubic yards plus \$15.00 for each additional 10,000 cubic yards or fraction thereof
200,000 or more	\$410.00 for the first 200,000 cubic yards plus \$10.00 for each additional 10,000 cubic yards or fraction thereof

PROPOSED

Other Grading Inspections and Fees

1. Inspections outside of normal business hours.....\$55.00 per hour
(minimum charge – two hours)
2. Reinspections\$55.00 per hour
3. Inspections for which no fee is specifically indicated.....\$55.00 per hour
(minimum charge—one-half hour)
4. Additional plan review required by changes, additions,
or revisions to plans..... \$55.00 per hour

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 7/7/03

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AGENDA SECTION: RESOLUTIONS AND ORDINANCES	ORIGINATING DEPT: CITY ATTORNEY'S OFFICE	ITEM NO. G
ITEM DESCRIPTION: RESOLUTIONS AND ORDINANCES		PREPARED BY: TERRY ADKINS TZA
<p>G. 1. RESOLUTIONS</p> <p>G. 2. FIRST READING OF ORDINANCES, as appropriate.</p> <p>G. 3. SECOND READING OF ORDINANCES (for adoption).</p> <p>None scheduled</p> <p>G. 4. MISCELLANEOUS</p>		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

